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BENGAL LEGISLATIVE COUNCIL LIBRARY

Council Proceedings

Official Report

Bengal Legislative Council

Thirty-fourth Session, 1930

17th to 22nd, 24th to 28th, 31st March and
1st April, 1930

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. N MOBERLY, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI, KT., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

MINISTERS.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur K. G. M. FAROQUI, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-fourth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Sir JADUNATH SARKAR, KT., C.I.E.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
4. Mr. A. F. RAHMAN.

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Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ahmed, Maulvi Shamsuddin. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]

B

Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Mr. Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banarji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Ashrafuddin. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]

Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Clark, Mr. I. A. (Indian Mining Association.)
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R. (Bengal Chamber of Commerce.)
Das, Babu Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Easson, Mr. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Khan Bahadur K. G. M. [Minister.] [Tippera South (Muhammadan).]
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ganguli, Rai Sahib Susil Kumar. (Nominated official.)
Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghosh, Mr. M. C. (Nominated Official.)
Ghosh, Rai Bahadur Shashanka Kumar, C.I.E. (Dacca University.)
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Habibullah, Nawab Khwaja. [Dacca City (Muhammadan).]
Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hogg, Mr. G. P. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Khan Sahib Maulvi Bazlul. [Noakhali East (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

I

Insch, Mr. J. (Bengal Chamber of Commerce.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Laird, Mr. R. B. (Bengal Chamber of Commerce.)
Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leslie, Mr. M. (Calcutta Trades Association.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)

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* Deputy President, Bengal Legislative Council.

Moberly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council.)
Mookerjee, Mr. Syamaprasad, Bar.-at-Law. (Calcutta University.)
Mukharji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Pinnell, Mr. L. G. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, Mr. W. D. R., C.I.E. (Nominated Official.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, the Hon'ble Kumar Shib Shekhareswar. [Minister.] (Rajshahi Landholders.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)

*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Rose, Mr. G. F. (Indian Jute Mills Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. [Burdwan South (Non-Muhammadan).]
Roy, Mr. D. N., Bar-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, Mr. Shanti Shekhareswar. [Malda (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]
Rushforth, Mr. F. V. [Presidency and Burdwan (European).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarcar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Sen, Mr. J. M. (Expert, nominated.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)

* President of the Bengal Legislative Council.

Steen, Lt.-Col. H. B., I.M.S. (Nominated Official.)
Stevens, Mr. H. S. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]
Twynam, Mr. H. J. (Nominated Official.)

W

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-fourth Session.)

Volume XXXIV—No. 3.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 17th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 110 nominated and elected members.

Oaths or affirmations.

The following members made an oath or affirmation of their allegiance to the Crown:—

Lt.-Col. H. B. Steen.
Mr. L. G. Pinnell.
Mr. H. S. E. Stevens.
Babu Haribansa Roy.
Mr. Narendra Kumar Basu.
Babu Sarat Chandra Mitra.
Babu Suk Lal Nag.
Rai Sahib Sarat Chandra Mukhopadhaya.
Babu Jitendra Nath Roy.
Babu Khetter Mohan Ray.
Rai Debendra Nath Ballabh Bahadur.
Dr. Naresh Chandra Sen Gupta.
Munindra Deb Rai Mahasai.
Mr. Syamaprasad Mookerjee.
Rai Sahib Akshoy Kumar Sen.
Rai Keshab Chandra Banarji Bahadur.
Rai Kamini Kumar Das Bahadur, M.B.E.
Babu Satyendra Kumar Das.

Obituary Reference.

Mr. PRESIDENT: Gentlemen of the Council, it is with profound regret that I have to refer to the death of Mr. M. C. McAlpin, C.I.E., I.C.S. The news has come with tragic suddenness. Many of us looked forward to welcoming him back among us after his holiday. He was a member of this Council in 1918-20, and 1922-24 and again in 1929 before he went on leave. He served the Government of Bengal as an Under-Secretary and then as a Settlement Officer, as Director of Land Records, as Secretary to the Government, as a member of this Council and finally as a temporary Member of the Executive Council of the Government of Bengal. He was an authority on Land Revenue matters and was closely connected with the framing of the Bengal Tenancy Amendment Act. His work more recently on the Bengal (Rural) Primary Education Bill, as Chairman of the Select Committee brought him into touch with many of the present members of this Council. I am sure it will be your desire, gentlemen, that a message of condolence of this Council should be conveyed to the relatives of the deceased. I ask you now kindly to rise in your places as a mark of respect to his memory.

[All the members then rose in their places.]

Mr. PRESIDENT: The Secretary will now please take the usual action.

Starred Questions

(to which oral answers were given).

Officers of the Co-operative Societies Department.

*67. **Nawab KHWAJA HABIBULLAH:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing separately—

(*i*) the number of Muhammadans and Hindus appointed year by year from 1918 to 1929 as (1) inspectors, (2) auditors, (3) supervisors, and (4) office assistants in the Co-operative Societies Department;

(*ii*) the percentage of Muhammadans in each class of appointments in 1918 and in 1929;

(*iii*) the basis on which such appointments were made;

(*iv*) the reason for the variations, if any, in the figures as to the percentage in 1918 and in 1929;

(*v*) the number of Rural Co-operative Societies in Bengal at the end of 1929, with their total membership, class by class, Hindus and Muhammadans; and

(*vi*) the total working capital of such societies at the end of 1929?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): A statement is laid on the table.

Statement referred to in the reply to starred question No. 67.

(*i*)

	Inspectors.		Aud tors.		Supervisors.		Office Assistants.	
	Hindu.	Muhammadan.	Hindu.	Muhammadan	Hindu.	Muhammadan.	Hindu.	Muhammadan.
1918 ..	9	2	7	7	26	9	3	2
1919 ..	7	2	8	7	8	3	5	2
1920 ..	3	1	6	6	21	7	4	..
1921 ..	9	7	..	..	43	16	4	6
1922 ..	2	..	3	1	52	10	3	1
1923 ..	2	..	15	10	45	5	2	10
1924 ..	5	3	4	4	35	17	..	..
1925 ..	9	5	8	5	44	22	..	..
1926 ..	2	2	14	6	41	22	..	3
1927 ..	1	1	1	3	54	34	1	2
1928 ..	5	3	9	6	46	22	..	1
1929 ..	3	3	37	25	56	20	1	1

(*ii*) Percentage of Muhammadans in each class of appointment in 1918 and in 1929:—

	1918.	1929.
Inspectors	30	38·7
Auditors	50	40
Supervisors	34	35·8
Office assistants	33	42

(*iii*) (1) 33·3 per cent. up to 1927 and 40 per cent. since 1928, for appointment of inspectors and auditors.

(2) No basis is laid down for the appointment of temporary supervisors maintained at Government cost as they are appointed on the recommendation of the societies concerned. Other supervisors are not appointed by the Registrar. Figures relating to these are not available and the labour involved in collecting them would be incommensurate with the advantage to be gained therefrom.

(3) 33·3 per cent. for the appointment of office assistants.

(*iv*) The variation in the case of inspectors is too slight to require any explanation. Actually 40 per cent. of the direct appointments is given to Muhammadans, but as communal considerations are not taken into account in making promotions to the rank of inspectors the prescribed proportion of 40 per cent. in this rank has not yet been reached. As regards auditors, the percentage both in 1918 and 1929 was above the proportion recently fixed by Government. In 1918 there were altogether only 14 auditors in the department and 7 of these posts were held by Muhammadans. As regards supervisors and office assistants the variation has been in favour of the Moslem community, Supervisors are appointed by the central societies. As regards office assistants the prescribed proportion of 33·3 per cent. is the minimum.

(*v*) (1) Number of Rural Co-operative Societies, 18,009.

(2) Total number of members, 478,067.

(3) Figures about the classification of members as Hindus and Musalmans are not available and the labour involved in collecting them is incommensurate with the advantage to be gained therefrom. Generally speaking societies are not formed on a communal basis.

(*vi*) Rupees 4,70,15,292.

NOTE.—Figures relate to co-operative year ending on 30th June, 1929, as figures for the calendar year are not available.

Election to the Council of Medical Registration of Bengal.

*68. **Maulvi SHAMSUDDIN AHMED:** (*a*) Will the Hon'ble Member in charge of the Local Self-Government (Medical) Department be pleased to state whether during the last election to the Council of Medical Registration of Bengal under section 4 of the Bengal Medical Act of 1914, the Surgeon-General with the Government of Bengal and the Principal of the Calcutta Medical College took an active part in the election by supporting particular candidates?

(*b*) Is it a fact that the Surgeon-General proposed or seconded the names of certain candidates?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the names of the candidates proposed or seconded by the Surgeon-General?

(*d*) Is it a fact that the Surgeon-General is authorised to decide points of dispute raised during the election?

(*e*) Is it a fact that under the rules no votes are valid unless sent by post or offered personally by the voters to the Returning Officer?

(*f*) Is it a fact that the Returning Officer at first refused to entertain votes sent through peons?

(g) Is it a fact that subsequently the Returning Officer was ordered by the Surgeon-General to accept such votes as valid on a representation made by a candidate?

(h) Is it a fact that no rule should be effective unless previously notified by the Local Government in the Gazette?

(i) Is it a fact that other voters were subsequently informed that votes sent through peons were acceptable?

MEMBER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) and (b) One candidate was proposed by the Surgeon-General and seconded by Lieut.-Colonel Stewart. Neither officer however took any further active part in the election.

(c) Dr. Susil Kumar Mukharjee.

(d) No appellate powers vest in the Surgeon-General under the rules, but he was under the impression that as President he might advise the Registrar on difficulties arising.

(e) A copy of rule 20 (b) is laid on the table.

(f) Yes.

(g) The President advised the Registrar in this sense, but not on the representation of a candidate.

(h) Yes.

(i) Inquiries were answered to this effect.

Rules referred to in the reply to clause (e) of the starred question No. 68.

RULES UNDER THE BENGAL MEDICAL ACT, 1914
(ACT VI OF 1914).

* * * * *

20 (b)

* * * * *

The elector shall sign the requisite declaration printed on the counterfoil of the voting paper and deliver it personally to or send it by post to reach the Returning Officer on or before the latest day and time fixed by him for the return of voting papers. Every voting paper in respect of which any requirement of these rules has not been complied with or on which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given or on which the elector has placed any mark whereby he may be afterwards identified, or which is not received by the Returning Officer on or before the latest day and time fixed for the return of voting papers, shall be invalid.

Number of Hindu and Muhammadan assistants in the offices of the Private and Military Secretaries to His Excellency the Governor.

*69. **Maulvi TAMIZUDDIN KHAN:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the present the respective numbers of Hindu and Muhammadan assistants in the offices of the Private and the Military Secretaries to His Excellency the Governor?

(b) If the number of Muhammadans employed in the said offices is less than the proportion fixed, what is the reason therefor?

(c) Does the Government intend to take any steps in the matter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) The figures are—

Office of the Private Secretary to His Excellency the Governor—

Hindus—4.

Muhammadans—2.

Office of the Military Secretary to His Excellency the Governor—

Hindus—6.

Muhammadans—2.

(b) The paucity of vacancies since the orders regarding the employment of Muhammadans were issued.

(c) No.

Conference to consider the Bengal (Rural) Primary Education Bill.

*70. **Mr. BIJOY PRASAD SINGH ROY:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a conference of some members of the Bengal Legislative Council was convened by him recently in Calcutta to consider the Bengal (Rural) Primary Education Bill?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) on what dates the conference was held;

(ii) who were the members invited to this conference; and

(iii) who attended it?

(c) Will the Hon'ble Minister be pleased to state whether any travelling and halting allowance was paid to the members attending the conference from the mufassal?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what was the total amount spent for holding the conference?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) the purpose and the object of the conference; and

(*ii*) the points raised, discussed and decided at the conference?

(*f*) Will the Hon'ble Minister be pleased to lay on the table a copy of the minutes of the said conference?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes, the conference was convened to consider action in connection with the Bengal (Rural) Primary Education Bill and the Bengal Secondary Education Bill.

(*b*) (*i*) On 19th and 20th January, 1930.

(*ii*) A list showing the members invited to the conference is laid on the table.

(*iii*) All in the list with the exception of Nos. 24-30.

(*c*) Yes.

(*d*) Rupees 1,994-6.

(*e*) (*i*) To consult members on the action to be taken by Government in regard to (1) The Bengal (Rural) Primary Education Bill, 1929; (2) The Bengal Secondary Education Bill.

(*e*) (*ii*) and (*f*) A copy of the proceedings of the conference is laid on the table.

List referred to in the reply to clause (b) (ii) of starred question No. 70.

1. The Hon'ble Khan Bahadur K. G. M. Faroqui.
2. The Hon'ble Kumar Shib Shekhareswar Ray.
3. Maulvi Abul Kasem.
4. Khan Bahadur Maulvi Alimuzzaman Chaudhuri.
5. Mr. A. F. M. Abdur Rahman.
6. Maulvi Nural Absar Choudhury.
7. Haji Badi Ahmed Chowdhury.
8. Rai Sahib Rebati Mohan Sarker.
9. Maulvi Abdul Karim.
10. Khan Sahib Maulvi Muazzam Ali Khan.
11. Maulvi Mohammed Basir Uddin.
12. Rai Sahib Panchanan Barma, M.B.E.

13. Maulvi Nur Rahman Khan Eusufji.
14. Mr. A. K. Fazl-ul Huq.
15. Maulvi Muhammad Solaiman.
16. Maulvi Azizur Rahman.
17. Khan Sahib Maulvi Bazlul Huq.
18. Maulvi Tamizuddin Khan.
19. Maulvi Abdul Hamid Shah.
20. Mr. Abdur Raheem, C.I.E.
21. Maulvi Abdul Hakim.
22. Khan Bahadur Maulvi Azizul Haque.
23. Maulvi Abdul Ghani Chowdhury, B.L.
24. Mr. H. S. Suhrawardy.
25. Nawab Khwaja Habibullah.
26. Maulvi Syed Nausher Ali.
27. Maulvi Muhammad Hossain.
28. Mr. A. F. Rahman.
29. Mr. Altaf Ali.
30. Nawab Musharruf Hosain, Khan Bahadur.

Proceedings of the conference referred to in the reply to clauses (e) (ii) and (f) of starred question No. 70.

A conference of certain M.L.C.'s was held on January 19 and 20 at the instance of the Hon'ble Minister for Education.

Those present included—

1. The Hon'ble Khan Bahadur K. G. M. Faroqui.
2. The Hon'ble Kumar Shib Shekhareswar Ray.
3. Mr. A. J. Dash.
4. Mr. H. E. Stapleton.
5. Maulvi Abul Kasem.
6. Khan Bahadur Maulvi Alimuzzaman Chaudhuri.
7. Mr. A. F. M. Abdur Rahman.
8. Maulvi Nural Absar Choudhury.
9. Haji Badi Ahmed Chowdhury.
10. Rai Sahib Rebati Mohan Sarker.
11. Maulvi Abdul Karim.
12. Khan Sahib Maulvi Muazzam Ali Khan.

13. Maulvi Mohammed Basir Uddin.
14. Rai Sahib Panchanan Barma, M.B.E.
15. Maulvi Nur Rahman Khan Eusufji.
16. Mr. A. K. Fazl-ul Huq.
17. Maulvi Muhammad Solaiman.
18. Maulvi Azizur Rahman.
19. Khan Sahib Maulvi Bazlul Huq.
20. Maulvi Tamizuddin Khan.
21. Maulvi Abdul Hamid Shah.
22. Mr. Abdur Raheem, C.I.E.
23. Maulvi Abdul Hakim.
24. Khan Bahadur Maulvi Azizul Haque.

The conference had a preliminary meeting on 19th January, 1930, and discussed generally what should be the wording of a Bill on primary education in rural Bengal they would support. On 20th January, 1930, Mr. A. K. Fazl-ul Huq and Mr. Abdur Raheem, C.I.E., were unable to be present and discussion proceeded on the details.

FIVE PICE CESS.

The conference agreed that the taxation needed should be a cess of 5 pice in the rupee levied in the same manner as the Road and Public Works cess, but suggested that realisation should, if possible, be carried out by the agency of union boards.

The meeting then passed on to discuss the incidence of the cess. Maulvi Tamizuddin Khan drew attention to the recent decision of the Praja Party that the apportionment of the cess should be 3 pice payable by the landlord and 2 pice by the tenant. The conference favoured this proportion, although it was willing to accept 3 pice for the tenant and 2 for the landlord if there were no other chance of passing a Bill.

GOVERNMENT'S POWERS.

The conference then unanimously accepted the following resolution:—

That Government's powers of directing and controlling policy and administration should be absolute. For this purpose there should be no Central Committee with powers greater than those proposed in the Bill last put forward by Government.

That the inspectorate should be Government servants and neither the Central Committee nor the district school boards should be empowered to appoint inspecting officers, and that the training of teachers should be financed and controlled entirely by Government.

The conference also unanimously accepted the proposal that District Magistrates should be members of the district school boards for the first 8 years.

Mr. I. A. CLARK: Will the Hon'ble Minister be pleased to state the reason why inspite of the fact that it has been suggested that the coal industry will have to pay a very large part of the cess, no representative of that industry was invited to attend the conference?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There is no reason to suppose that the rest of the members of the Council will not be consulted on this question.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state on what principle the personnel of the conference was selected?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A limited number of members could only be consulted because there was no sufficient provision for paying the travelling allowance for a larger number of members. That is the reason why a limited number was consulted.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state why the Hindu members only were left out?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: One of the reasons was that a very large number of the Hindu members had resigned and secondly we wanted to consult a limited number and two Hindu members were there.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if he considered Rai Sahib Rebati Mohan Sarker, a nominated member, and Rai Sahib Panchanan Barma, a representative of the depressed class, the only fit representatives of the Hindu community on the conference?

Mr. PRESIDENT: I cannot allow that question, as it is ironical.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if he is aware of the fact that inspite of the resignation of many Hindu members in obedience to the Congress mandate there were as many as 14 members sitting in the Council?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As I have said before, there is no reason to suppose that the others will not be consulted. I would request the member to wait and see.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state whether he wanted to call the conference on communal lines?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The answer is in the negative.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state if the conference was called for the purpose of doing some lobby work outside the Council Chamber?

Mr. PRESIDENT: I do not follow that question, as it is a reflection on the conduct of the Hon'ble Minister.

Mr. W. L. TRAVERS: Will the Hon'ble Minister be pleased to state whether those members who were disgruntled and disagreeable at a previous conference were invited to the conference?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The answer is in the negative.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if he is aware of the fact that there were Hindu members present in Calcutta who would have attended the conference without charging any travelling allowance and who were members of the Select Committee on the Primary Education Bill? Will the Hon'ble Minister be also pleased to state why these gentlemen were not invited to the conference?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I think that after the Non-Muhammadan members have been returned to the Council they should be consulted.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state the reason why certain members of the Select Committee were not invited?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: All the members had not been asked. Those who are willing to attend will be consulted later.

Maulvi SYED MAJID BAKSH: That is not an answer to my question.

Mr. PRESIDENT: Order, order. Please pass on to the next question.

Collisions between inland and other steam vessels.

*71. **Mr. A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing for the year 1928-29—

(*i*) the number of collisions which occurred between steamers and other vessels and boats plying on inland rivers of Bengal;

(*ii*) how many boats have sunk as a result of such collisions?

(*b*) What steps, if any, have the Government taken in the matter?

(*c*) What compensation, if any, have the Steamer Companies paid for boats sunk in such collisions?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) Fifty-three cases were reported.

(*ii*) Thirty-three.

(*b*) In five cases no witnesses appeared at the local inquiry. In all the other cases preliminary local inquiries were held. In two cases Special Courts were ordered; of these one resulted in suspension of the serang's certificate and the other in exoneration of the serang. The findings of the preliminary inquiries in the remaining cases are summarized as follows:—

Due to fault of serangs—8 cases,

Due to fault of boatmen—9 cases,

Pure accidents—25 cases,

of which five were settled amicably. In three other cases criminal prosecutions took place; in one the master was acquitted on appeal and the boatman fined. In another the master was acquitted. The result of the third case is not known. In one other case it is not known whether permission to prosecute was availed of or not.

(*c*) Rupees 4,592.

Sanitary drainage cesses.

*72. **Mr. SARAT KUMAR ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state on what basis the Government are realising sanitary drainage cesses under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920), from the landlords, tenure-holders, tenants and raiyats, in respect of the areas declared benefited by the Magra Hat Drainage Scheme in the district of the 24-Parganas?

(*b*) Is it a fact that the following tauzis have not been assessed though they are situated within the benefited areas in the said scheme:—

Tauzis Nos. 7, 45, 49, 57, 65, 99, 111, 117, 119, 125, 186, 302, 352, 792, 1337, 1330, 2169, 1512, 1513, 1519, 1820, 2625, 2673, 2424, 2676, 2699, 1123, 1108, 126?

(*c*) Is it a fact that the amount of drainage cess recoverable from the landlords, tenure-holders, tenants and raiyats of the above tauzis has been assessed on other persons who hold lands in other tauzis situated within the benefited areas and is being realised from them in excess of their legitimate share?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of revising the whole assessment?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) The Magra Hat Sanitary Drainage Scheme was executed under the Bengal Sanitary Drainage Act, 1895 (Bengal Act VIII of 1895), and not under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920), and the drainage cess is realised under section 21 of the said Act from those liable to pay road cess direct to Government. The subordinate tenures and holdings pay to the above in accordance with the provision of sections 23 and 24. The share which would have been payable by the municipality is borne by Government. Copy of the order of assessment under section 21 is attached herewith.

(*b*), (*c*) and (*d*) Tauzi No. 119 has been assessed to drainage cess.

Tauzi No. 111 is amalgamated with tauzi No. 2835 which has been assessed to drainage cess.

No land of tauzis Nos. 99, 125, 126, 65, 186, 2169, 792, 352, 302, 117, 45, 49 and 7 lies within the benefited area of the drainage scheme. These tauzis have not been assessed to drainage cess. Tauzi No. 2699 is amalgamated with tauzi No. 2834 which has not been benefited by the drainage scheme and hence it has not been assessed to drainage cess.

There are no such estates as tauzis Nos. 1108, 1337 and 2424.

Tauzis Nos. 2673, 2676, 1123, 2625, 1820, 1513, 1519, 57, 1512 and 1330 have not been assessed to drainage cess as it could not be ascertained at the time of drainage assessment that these tauzis contained any benefited mauza owing to defects in the existing land registration register. The benefited mauzas now found to appertain to these tauzis have however been already assessed under other tauzis.

The total annual drainage cess in these omitted estates would have come to Rs. 238 which would have meant a reduction of about 1/3 pie in each rupee. As the drainage cess payable is Rs. 4-7-7 per rupee of road cess, a reduction of about 1/3 pie in each rupee is not likely to benefit anyone materially, but a revision of the assessment at this stage would entail expenditure quite out of proportion to the relief sought and so no proceedings for revision under section 30 of the Act appears to be called for.

Order referred to in the reply to clause (a) of starred question No. 72 (No. 37/3-9-20 in Embankment case No. 1 of 1916-17).

The total amount recoverable has been determined by Government in their letter No. 36 T.—L.S.-G., dated 30th April, 1919, to be Rs. 34,48,519. This amount is recoverable according to the Commissioner's letter No. 10 R.I., dated 14th June, 1919, within a period of 26 years. The annual recovery is therefore Rs. 1,32,635-5-6. The road cess payable annually in the affected tract has been determined to be Rs. 29,653-13-2. The drainage rate under section 21 is therefore Rs. 4-7-7 per rupee of road cess.

H. CHATTERJI,
Deputy Collector.

Deputation of assistants of the Bengal Secretariat to Darjeeling.

***73. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay a statement on the table showing for the last seven years—

(*i*) how many assistants from each department of the Secretariat were deputed to proceed to Darjeeling; and

(*ii*) how many of them were—

(*1*) Hindus, and

(*2*) Muhammadans?

(*b*) If the number of Muhammadans deputed during the said period is not proportionate to their strength in each department, what were the reasons therefor?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) A statement giving the available information for the Finance Department is laid on the table. The selection of assistants deputed to Darjeeling from other offices is not within the cognizance of Finance Department.

(*b*) Assistants are deputed to Darjeeling according to administrative convenience and not on grounds of race or religion.

Statement referred to in the reply to clause (a) of starred question No. 73.

Years.	Number of assistants, typists and stenographers deputed to Darjeeling—			Total number of Hindus deputed to Darjeeling.	Total number of Muhammadans deputed to Darjeeling.
	Assistants.	Typists.	Stenographers.		
1923 ..	15	4	4	19	3
1924 ..	17	4	4	20	3
1925 ..	17	4	4	21	4
1926 ..	18	4	4	20	4
1927 ..	17	4	4	20	3
1928 ..	18	4	4	20	4
1929 ..	19	4	5	20	7

Appointment of Muhammadans in the ministerial establishment in Government offices in Bengal.

*74. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the maximum provision for appointment in the ministerial establishment in Government offices in Bengal is—

(*i*) one-third for Muhammadans; and

(*ii*) two-thirds for non-Muhammadans?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) removing this bar; and

(*ii*) giving every alternative vacancy to a Muhammadan after the one-third proportion has been reached?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) No: minima have been prescribed not maxima.

(*b*) Does not arise.

House searches during recent Dacca riots.

***75. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the attention of the Government has been drawn to the report of a statement issued under the signatures of Srijut Pratul Chandra Ganguli and others regarding the conduct of the local police, particularly of one Maulvi Apsauddin, a sub-inspector of police, and his assistants in connection with house searches during the recent Dacca riots?

(*b*) Have the Government had any report regarding the house searches and arrests made at Dacca in connection with the said Dacca riots?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that the following houses or one or more of those were searched without warrants:—

(*i*) the house of late Gopi Mohan Bysak in Lalchand Mokim Lane,

(*ii*) the house of Babu Amritalal Bandopadhay, *i.e.*, No. 16, Uttar Maisundi; and

(*iii*) the house No. 47, Uttar Maisundi, belonging to one Babu Akhil Chandra Chatterjee?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state under what law and authority the same was done?

(*e*) Will the Hon'ble Member be pleased to state whether during the house searches in connection with the said riots, the police were accompanied by a number of Muhammadans, particularly during the searches of the following houses:—

(*i*) the house No. 16, North Maisundi, belonging to Babu Amritalal Banerjee;

(*ii*) the house No. 18, North Maisundi, belonging to Babu Sanatan Banikya;

(*iii*) the house No. 47, North Maisundi, belonging to Babu Akhil Chandra Chatterjee;

(*iv*) the house No. 52, belonging to Babu Radhakanta Saha Banik and Babu Krishnalal Banik; and

(*v*) the house of late Govinda Chandra Banikya?

(*f*) Will the Hon'ble Member be pleased to state whether in some cases searches were conducted in the zenana in the absence of all male members?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Government have seen various statements in the public press.

(*b*) Yes.

(*c*) (*i*) No information is available about the alleged search of this house.

(*ii*) Yes.

(*iii*) Yes.

(*d*) Section 47, Criminal Procedure Code.

(*e*) A few Muhammadan identifying witnesses accompanied the police.

(*f*) There were males in some houses and no males in others.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether any notice was given before the police entered the house?

The Hon'ble Mr. A. N. MOBERLY: I ask for notice of this question.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state how many Muhammadans (with their names) entered each of the houses as identifying witnesses?

The Hon'ble Mr. A. N. MOBERLY: I submit that if the hon'ble member wanted detailed information he should have asked for it when giving notice of this question. I submit it is not a short notice question.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether Government approve of the conduct of the police officers who have hurt the feelings of the Hindu community?

The Hon'ble Mr. A. N. MOBERLY: I submit it is a hypothetical question.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether Government approve of the making of searches in the zenanas in the absence of males?

The Hon'ble Mr. A. N. MOBERLY: It is a question of law, Sir, the matter is primarily for the Court.

Dr. NARESH CHANDRA SEN GUPTA: I am not questioning whether there was legal right or not. My question is whether Government approve of making searches in the zenana in the absence of male members. I am asking for Government opinion.

The Hon'ble Mr. A. N. MOBERLY: It is a matter of opinion, Sir, and it depends on circumstances.

Persons arrested and houses searched during recent Dacca riots.

*76. **Mr. BIJOY PRASAD SINGH ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) how many persons have been arrested in connection with the Dacca riots;

(*ii*) how many of them are Hindus; and

(*iii*) how many are Muhammadans?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) how many houses have been searched;

(*ii*) how many of them are Hindu houses; and

(*iii*) how many are Muhammadan houses?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Exact figures are not at present available, but the approximate numbers are as follows:—

(*i*) Between 250 and 300.

(*ii*) and (*iii*) Approximately equal numbers of Hindus and Muhammadans.

(*b*) (*i*) to (*iii*) Exact figures are not available. A large number of houses were searched. Whole blocks of disreputable houses, for instance, in affected areas, were combed out for bad characters. These included houses of both Hindus and Muhammadans.

Unstarred Questions

(answers to which were laid on the table).

Reference cases under Bengal Act 5 of 1920.

71. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the fact that reference cases under Bengal Act 5 of 1920 cannot be speedily disposed of on account of the fact that there is no definite provision in, or rule under, the said Act for making parties within certain time limit?

(*b*) Are the Government considering the desirability of—

(*i*) obtaining opinions of various judges who have decided cases arising under Bengal Act 5 of 1920 in order to ascertain what difficulty, if any, they felt in dealing with such cases; and

(*ii*) amending the law and framing rules consistent with the Act to ensure speedy disposal of disputes relating to alluvial formations?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Government have no information on the subject.

(*b*) (*i*) Government propose to inquire into the alleged defects in the Act.

(*ii*) Does not arise.

Mr. A. deSanges, Assistant Accountant, Pre-audit Section, Calcutta Port Commissioners.

72. Mr. P. BANERJI: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that a special pay of Rs. 130 per mensem has been sanctioned for Mr. A. deSanges, Assistant Accountant, Port Commissioners?

(*b*) If so, for what special services has such pay been sanctioned?

(*c*) Is it a fact that the work of the Pre-audit Section of which Mr. A. deSanges is in charge, has been considerably reduced since the abolition of the pension system in the Port Commissioners' service?

The Hon'ble Mr. A. MARR: (*a*) A special pay of Rs. 150 per mensem has been sanctioned for Mr. A. deSanges, Assistant Accountant, Pre-audit Section.

(*b*) Increase in the work and responsibility of his section.

(*c*) No. The pension system has not been abolished, and cannot be, until all those who, on the introduction of the Contributory Provident Fund, preferred to retain their pensionary status, have left the service. In addition the work connected with the Contributory Provident Fund and the Long Service gratuities and the Commissioners' Co-operative Credit Society have all increased in volume and there has been a further increase of work due to additional staff in all departments.

Mr. J. C. Mair, Assistant Accountant, Calcutta Port Commissioners.

73. Mr. P. BANERJI: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that Mr. J. G. Mair, Assistant Accountant, Calcutta Port Commissioners, was granted passage from England although he was recruited in India and was interviewed in Calcutta by the special committee appointed for the purpose?

(*b*) Is it a fact that the said Mr. J. G. Mair was appointed to his present post in supersession of the claims of several senior Indian officers?

The Hon'ble Mr. A. MARR: (*a*) Yes. Mr. Mair was granted a passage to India. He was not in India when he was appointed to the post of Assistant Accountant.

(*b*) No.

Trial of cases under Bengal Act V of 1920.

74. Maulvi MUHAMMAD FAZLULLAH: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) how many reference cases with dates of making references have been instituted under Bengal Act V of 1920 since it came into effect in the districts of Noakhali, Dacca and Faridpur;

(*ii*) the dates of attachment by the Collector under section 3; and

(*iii*) in the case of disposed of cases, the dates of their disposal by trial as well as by the Appellate Courts?

The Hon'ble Sir PROVASH CHUNDER MITTER: The required statement is laid on the table.

Statement referred to in the reply to unstarred question No. 74.

Names of districts.	Number of references.	Dates of attachment, under sec. 3 of Bengal Act V of 1920.	Dates of making references to the Civil Court under sec. 5 of Bengal Act V of 1920.	Dates of disposal by Civil Court.	Dates of disposal by Appellate Court.	Remarks.
1	2	3	4	5	6	7
Noakhali ..	Two .. 1	3-8-1925	15-11-1927	....	....	Pending.
	2	30-11-1926	26-3-1928	....	....	Ditto.
Dacca ..	Two .. 1	8-8-1925	24-4-1929	....	....	Ditto.
	2	21-12-1926	4-6-1929	....	....	Ditto.
Faridpur ..	Thirteen .. 1	21-10-1925	26-9-1927	23-4-1928	No appeal.	
	2	3-2-1926	24-8-1927	....	....	Pending.
	3	1-10-1926	26-9-1927	23-4-1928	No appeal.	
	4	3-11-1926	27-8-1928	....	....	Pending.
	5	6-11-1926	15-2-1928	....	....	Ditto.
	6	9-11-1926	4-8-1928	25-4-1929	No appeal.	The land has been transferred to Dacca district.
	7	20-12-1926	26-9-1927	....	....	Pending.
	8	24-1-1927	30-8-1927	....	....	Ditto.
	9	23-6-1927	20-6-1928	28-9-1929	No appeal.	
	10	29-9-1927	2-4-1929	....	....	Pending.
	11	29-10-1927	14-9-1929	....	....	Ditto.
	12	18-1-1928	11-9-1929	....	....	Ditto.
	13	28-9-1928	14-12-1929	....	....	Ditto.

Jurisdiction of courts in reference cases under Bengal Act V of 1920.

75. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is the intention of the Government that no action of the Collector or the receiver, if any, appointed by him in the management of attached lands, can be questioned by the Civil Court to which reference has been made for determination of title to such lands?

(*b*) If so, are the Government considering the desirability of revising the rules for the guidance of the Collector and the receiver appointed for the management of attached lands making them answerable for their action to the Civil Court to which reference is made? If not, why not?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) The jurisdiction of the Civil Court over the Collector or the receiver depends not on the intention of Government but on the interpretation of the law which is a matter for the Courts.

(*b*) Rules made by Government cannot confer upon a Court jurisdiction which it does not otherwise possess.

Present staff of the Dacca College and the Jagannath Intermediate College, Dacca.

76. **Rai Sahib REBATI MOHAN SARKER:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the strength of the present staff of the—

(1) Dacca College, and

(2) the Jagannath Intermediate College, Dacca;

(*ii*) salaries drawn by each member of the staff in a comparative table; and

(*iii*) number of students in the two institutions?

(*b*) Is it a fact that the Jagannath College was originally a trust property?

(*c*) Is it a fact that the Jagannath College trust was broken by special legislation and the responsibilities of the College were taken over by the Government?

(*d*) Is it a fact that there is no graded service for the staff in the Jagannath Intermediate College?

(*e*) Are the Government considering the desirability of improving the status of the said staff?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) No. Government regret that in the present state of the provincial finances they are unable to sanction any additional recurring expenditure for this college.

Statement referred to in reply to clause (a) of unstarred question No. 76.

(A)—Dacca Intermediate College.

Number of students—357.

PRESENT TEACHING STAFF AND THEIR SALARIES.

Serial No.	Name.	Designation.	Scale of pay.	Actual pay.
		I—Indian Educational Service.		
			Rs.	Rs.
1.	Mr. Surendra Nath Maitra	Principal	400—50—600—600—50—1,000—1,000—50—1,250.	1,000
		II—Bengal Educational Service.		
1.	Babu Rakhal Das Ghosh	Professor of English	250—250—300—40/2—500—50/2—800.	800
2.	Babu Haridas Saha	Professor of Chemistry.	Ditto	800
3.	Babu Padmini Bhusan Rudra	Professor of English	Ditto	700
4.	Babu Bankim Das Banerjee	Professor of Mathematics.	Ditto	600 75 (hostel allowance).
5.	Babu Susil Chandra Chakravarty	Lecturer in Physics	Ditto	400

Serial No.	Name.	Designation.	Scale of pay.	Actual pay.
			Rs.	Rs.
		III—Subordinate Educational Service.		
1.	Babu Raj Narayan Saha ..	Lecturer in Physics	150—10—400	360
2.	Babu Parimal Kumar Ghosh ..	Lecturer in English	Ditto ..	290
3.	Maulvi Kazi Abdul Wadood ..	Lecturer in Bengali	Ditto ..	260
4.	Babu Panchu Gopal Das ..	Lecturer in Mathematics.	Ditto ..	260
5.	Babu Suresh Chandra Bhattacharji.	Ditto ..	Ditto ..	260
6.	Babu Aswini Kumar Das Gupta	Lecturer in Economics	Ditto ..	260
7.	Babu Purnendu Kishore Chakravarti.	Lecturer in History	Ditto ..	260
8.	Babu Bejoy Sankar Sen Gupta ..	Lecturer in Geography	Ditto ..	260
9.	Maulvi Serajul Haque ..	Lecturer in Arabic ..	Ditto ..	220
10.	Babu Deb Kumar Datta (Kabyatirtha).	Lecturer in Sanskrit	Ditto ..	210
11.	Babu Manindra Prasad Guha ..	Lecturer in Geography.	Ditto ..	210
12.	Babu Hem Chandra Acharyya ..	Lecturer in Sanskrit	Ditto ..	200
13.	Babu Nirmal Kumar Sen ..	Lecturer in Chemistry	Ditto ..	200
14.	Babu Sailendra Prasad Nag ..	Lecturer in Botany	Ditto ..	190
15.	Babu Nikhil Chandra Sen ..	Lecturer in Logic ..	Ditto ..	150
16.	Maulvi A. U. Muhammad Waliullah.	Lecturer in Persian	Ditto ..	150
17.	Babu Sanat Kumar Banerji ..	Laboratory Assistant in Physics.	75—5—200 ..	105
18.	Babu Jatindra Nath Mitra ..	Laboratory Assistant in Botany.	Ditto ..	90
19.	Babu Ramendra Kumar Das ..	Laboratory Assistant in Chemistry.	Ditto ..	80
20.	Babu Prasanna Kumar Mazumdar	Gymnastic Master ..	60—4—160 ..	92

(B)—Jagannath Intermediate College.

Number of students—550.

PRESENT TEACHING STAFF AND THEIR SALARIES.

Serial No.	Name.	Designation.	Actual pay	
			Rs.	A.
1.	Rai S. N. Bhadra Bahadur, M.A. ..	Principal	500	0
2.	Babu Praphulla N. Roy, M.A. ..	Professor of English ..	150	0
3.	Babu Santosh K. Chatterji	Professor of English (on leave)	..	
4.	Syed Nurul Haq, B.A. ..	Ditto ..	125	0
5.	Babu Manindra M. Chakravarty, M.A. ..	Ditto ..	75	0

Serial No.	Name.	Designation.	Actual pay. Rs.	A.
6.	Babu Nirmal K. Gupta, M.A. ..	Professor of History ..	290	0
7.	Babu Saroj K. Bose, M.A.	Professor of Economics (on leave).	130	0
8.	Babu Mohim Ch. Pal, M.A.	Professor of Mathematics ..	230	0
9.	Babu Rabindra N. Sen, M.A. ..	Ditto (on leave) ..	..	
10.	Babu Revatikumar Chakravarty, M.A. ..	Professor of Logic ..	193	0
11.	Babu Birendra Ch. Mukherji, M.A. ..	Ditto	100	0
12.	Babu Probodh Ch. Ghosh, M.A. ..	Professor of Economics ..	130	0
13.	Babu Sourendra N. Majumdar, M.A. ..	Professor of English ..	150	0
14.	Babu Sailendra N. Bhadra, M.A. ..	Ditto	120	0
15.	Babu Kalikrishna Goswami, M.A. ..	Professor of Sanskrit ..	340	0
16.	Babu Abhoy Ch. Chakravarty, M.A. ..	Ditto	188	0
17.	Babu Amiyansu K. Das Gupta, M.A. ..	Professor of Geography (on leave).	..	
18.	Babu Rashbehari Bose, M.A. ..	Professor of Physics ..	290	0
19.	Babu Pratul Ch. Sen, M.A.	Ditto	185	0*
20.	Babu Jogesh Ch. Ghosh, M.A. ..	Professor of Chemistry ..	290	0
21.	Babu Hariprasanna Roy, M.A. ..	Professor of Chemistry ..	115	0
22.	Babu Ramesh Ch. Roy Chowdhuri, B.A.	Professor of Dyeing ..	240	0
23.	Maulvi Abdul Aziz Talukdar, M.A. ..	Professor of Persian ..	155	0
24.	Kazi Mohiuddin Ahmed	Drill Master	103	8
25.	Babu Hemendra K. Dutt, B.A. ..	Professor of Botany ..	205	0
26.	Babu Subodh K. Mukerji	Lecturer in Book-keeping ..	175	0
27.	Babu Satindra M. Banerji	Shorthand Instructor ..	135	0
28.	Babu Sukhendra Ch. Bose, M.A. ..	Lecturer in Mathematics ..	110 25	0 0
29.	Babu Parijat K. Bose, M.A.	Ditto ..	90	0
30.	Babu Monoranjan Banerji, B.Sc. ..	Demonstrator of Chemistry	96	6
31.	Babu Akhil Ch. Chanda, B.Sc. ..	Ditto ..	91	6
32.	Babu Miraja S. Bhattacharji, B.Sc. ..	Ditto ..	57	0
33.	Babu Probodh R. Guha, B.Sc. ..	Demonstrator of Physics ..	57 25	0 0
34.	Babu Ratindra N. Mitra, B.Sc. ..	Ditto ..	57	0
35.	Babu Subodh G. Mukherji, M.Sc. ..	Demonstrator of Botany ..	80	0
36.	Babu Rasik Ch. Chakravarty ..	Demonstrator of Dyeing ..	77	0
37.	Babu Ramada P. Ghosh, M.A. ..	Instructor of Typewriting ..	67 25	0 0
38.	Babu Ambuja P. Gupta, B.A. ..	Games Organiser ..	67	0
39.	Babu Jamini M. Dhar, B.A.	Librarian	102	5
40.	Babu Amulya Ch. Sarkar, B.A. ..	Laboratory Assistant in Chemistry.	50	0
41.	Babu Abani K. Chakravarty ..	Laboratory Assistant in Physics.	37	0
42.	Babu Jogendra N. Gupta	Lecturer in Bengali ..	100	0
43.	Babu Hari Benode Basak, B.A. ..	Assistant Lecturer in Book-keeping.	55	0

* Rs. 5 increment due in July, 1930.

GOVERNMENT BUSINESS.

Supplementary Estimate for 1929-30.

DEMAND FOR GRANT.

45.—Superannuation—Allowances and Pensions.

45A.—Commutation of Pensions financed from ordinary revenues.

60B.—Payment of commuted value of Pensions.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,51,000 be granted for expenditure under the heads "45.—Superannuation—Allowances and pensions," "45A.—Commutation of pensions financed from the ordinary revenues" and "60B.—Payment of commuted value of pensions."

Sir, this matter has been explained in the memorandum, copies of which have been circulated to all members of this House. It is difficult for us to estimate exactly as to what our requirements under these heads will be during the year and you will find from the memorandum that under the head "Superannuation—Allowances and Pensions" we have estimated to have savings of Rs. 87,000. On the other hand, however, under the second head "Commutation of pensions" we have estimated that we shall be short by about Rs. 3,38,000. Taking the two heads together, this means that, unless this sum is voted, we shall have an excess expenditure of Rs. 2,51,000 at the end of the year. Therefore I ask the House to vote this sum.

The motion was put and agreed to.

DEMANDS FOR GRANTS.

5.—Land Revenue.

The Hon'ble Sir PROVASH CHUNDER MITTER: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 46,22,000 be granted for expenditure under the head "5.—Land Revenue."

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to move that the demand of Rs. 1,30,000 under the head "5A.—Charges of Administration—Land Acquisition Establishment—Pay of Establishment" be reduced by Rs. 500 (on the ground that the construction of the Meghna bridge should not be undertaken before further investigation).

My object, Sir, is to put off the construction of the Meghna bridge till a full investigation has been made by the most impartial experts into the effect, likely and probable, of the construction according to the plan made by the Railway Board, both on the river and its current as also on the country which is fertilised and drained by this important river.

My motion, Sir, is not raised on any sentimental ground as it is well known that we all naturally prefer the extension of the means of communication unmindful of their effect on our health and general well-being. The project of bridging the Meghna at Bhairab Bazar did not attract much public notice till the last great flood in Assam caused havoc and destruction in Silchar, Karimganj and large portion of Comilla and Mymensingh. The great river Meghna which forms the boundary between the district of Mymensingh on the west and the district of Comilla on the east has grown out of the stream which has its origin in the Manipur hills and which passing by Silchar and Badarpur bifurcates in two strong currents one, the Surma flowing past Sylhet and the other the Borak flowing past Karimganj—the two ultimately rejoins at Markoli, receiving additions from the currents of water directly issuing from the Khasia Jaintia hills. Meghna, therefore, is the main channel of water along which is discharged the rain waters from the Manipur, Assam and the Khasia Jaintia hills.

The magnitude of the task that is performed by this mighty river will be apparent from the fact that the rainfall in these hills is the highest in India. It ranges from 67 to 229 inches. Cherrapunji in Khasi hills which directly sends its waters down through the Meghna has the highest record of rainfall in the world being 458 inches. Such being the case one cannot be too careful in dealing with such a stream and any project of bridging the same should undergo the most careful examination at the hands of experts who have no bias whatsoever and who are in a position to give an independent verdict.

We have too painful an experience of river bridging for railway purposes to feel secure that everything necessary will be done to keep the free flow of water unimpeded in this particular instance. Bhairab in Jessore, the Padma at Saraghat, the Brahmaputra in Mymensingh all tell a tale of disaster and bid us to be cautious and less optimistic.

The consequences of hasty action in this instance may be very disastrous to the health and wealth of the people of a large portion of the three districts of Sylhet, Mymensingh and Comilla. The Meghna flows along banks which are not very high and which are flooded over in the monsoon by the onrushing currents which irrigate the country on either side up to a depth of 10 to 15 miles—the flood leaving behind silts which fertilise the soil every year.

Any little variation in the normal conditions, e.g., if the flood comes too quickly and subsides too late, results in a wholesale destruction

of crops and cattle over a very wide area. The last Silchar flood has had this terrible effect and the population on either bank of the Meghna comprising the subdivisions of Habiganj, Brahmanbaria and Kishoreganj in the three districts, have been extremely hard hit and famine conditions prevail over those parts. How serious may be the consequences of railway embankment over such plain level country, constructed without regard to the interests of the agriculturist is well borne out by the final report of the Survey and Settlement operations in Tippera. The report while describing the effect of the railway alignment from Ashuganj in the east end of the projected Meghna bridge to Akhaura in the Brahmanbaria subdivision says:—

"Floods are a recurring trouble in Brahmanbaria subdivision. This year the most affected being on the north, the damage being due to the abnormal flood coming down the Meghna. In the Beel area east of the Brahmanbaria from Shuilpur char almost to Akhaura, the cultivators seem to have lost much of their winter crop every year since the railway embankment on the branch line to Ashuganj was completed. There are some openings in those railway embankments but they are insufficient, the more so owing to the railway engineers putting a flooring of bricks under a bridge raising the bottom of the available channel to within two or three feet of the level of the fields."

There could not have been, Sir, a stronger condemnation out of official mouth of the methods of constructing our railways in India. Here railways are built for the expansion of foreign commerce and they are one of the many means for exploitation of the country's wealth. Minimum cost and maximum profit to the British investors is the end always kept in view in the construction of railways. No wonder that bitter popular experience has lead to a deep-rooted almost superstitious belief that railway lines in India bring in their train diseases and poverty. The fact of the matter is that unlike in free countries such as America and England, here in India the Public Health Department is never consulted and leading public bodies and public men are never taken into confidence, before a plan of railway construction is matured and put into execution—the only thing that is considered is how to chain up the country at the minimum cost.

Much mischief has already been done and it is time that some check were put on this spirit of reckless disregard of public interest and public will.

Public meetings have been held too numerous to mention in the affected parts and responsible public opinion has expressed itself against the project. The Hon'ble Minister for Agriculture, then the Chairman of the District Board, was present in one such meeting at Nabinagar. I do not know what weight the Government attached to them. The ruling idea seems to be the development of the Port of Chittagong by making all the trans-Meghna trade of Eastern Bengal flow to the recently

created major port unimpeded and unhampered. It is, however, no concern of ours whether Chittagong develops at the cost of Calcutta or whether the two divides the spoils. Our immediate concern is to see and so urge on the Government that nothing be done to prejudicially affect the vital interest of the people.

One other cogent reason for postponing the project is the fact that the Government of Assam have appointed a Committee to enquire and report on the causes of the last great Silchar flood. It is believed in well informed circles that some of the railway bridges were contributory causes of the widespread devastations. The report undoubtedly is expected to throw some light on the subject and the project, if not altogether abandoned, may at least be modified in the light of that report.

It may be said that Government of Bengal had no hand in making the project and they cannot throw it out. True, but they can recommend to the Government of India that nothing should be done in a hurry and until and unless everything is done to safeguard the interests of the people the Government of Bengal, who are primarily responsible for the health and well being of the people, and this House, the watchman of public interest, will refuse to sanction the grant.

The question raised is a question for the whole of Bengal. I would therefore crave the attention of this House to it as such. The question is if agriculture and sanitation, the health and wealth of the tillers of the soil, should or should not enter as primary considerations while making plans and estimates for river bridging purposes. If the Government would do its duty by the people it should appoint a committee of experts and some non-official members of this House to examine the project and to satisfy this House before putting their seal and approval to it by sanctioning the grant.

I believe, Sir, that the Hon'ble Member-in-charge is not wanting in sympathy for the poor people. I hope he will give practical proof of his feelings by intervening before it is too late to prevent mischief.

The land acquisition costs may also be reduced considerably by giving up excess lands which will be released as a consequence of the removal of the station from the present site.

3-45 p.m.

Babu KISHORI MOHAN CHAUDHURI: I have full sympathy with the proposal made by my friend Babu Satish Chandra Ray Chowdhury. Sir, the request is a very modest one. A thorough enquiry should be made whether it will do any real good to the country, and whether there is any local demand for the bridge. On the contrary, Sir, we hear that there is local opposition to this bridge being built. We in Rajshahi are

the actual sufferers. We have been suffering much in Rajshahi on account of the blocking of the waterways there. In the south east of the district of Rajshahi specially in thanas Lalpur and Charghat the population within the last 50 years has been reduced by 50 per cent. and in the Report of the Settlement Operations in Rajshahi about 8 years ago this has been attributed to the blocking of the waterways. Sanitation has also suffered on account of the blocking of the natural drainage of the country. So I think, Sir, the question should be thoroughly enquired into and without an enquiry this should never be taken in hand; all interests should be adequately considered, those of sanitation being the first. That is why I say that no rash action should be taken in this matter.

Babu KHETTER MOHAN RAY: I rise to support the motion of my friend Babu Satish Chandra Ray Chowdhury. The river Megna over which the proposed bridge is intended to be built, is one of the principal waterways of East Bengal. It has its rise in the Surma Valley districts of the province of Assam and passes through the districts of Sylhet, Mymensingh, Tippera, Dacca and Noakhali. It is the main channel, perhaps it is the only channel through which water of the heavy rains in the Cherrapunji and Tippera Hills and in the districts through which it passes is carried to the sea on the south. It flushes thousands of villages and their fields and carries the surplus water through its channel and thereby contributes to the fertility of land, ensuring the abundant growth of crops every year. I may add here that this big river supplies thousands of people with good drinking water and contributes to the improvement in health of the areas which are intersected by this river and its tributaries. All the rivers which have their rise in the Tippera and other hills fall to this big river carrying enormous silt with their streams. Its active flow has ensured the thriving of commerce and industries and many prosperous trade centres such as Bhairab, Ashuganj and Chandpur—not to speak of other minor centres—have already risen on its banks. But I regret to say that this great river is not at present what we saw in our boyhood. The river is in the process of being silted up and in many places has already shrunken to more than half the length of what it was 30 years ago. If this process is allowed to continue for some years more, the results will be disastrous to the people of East Bengal. Already its baneful effects have made their mark on the health and agriculture of the people in the shape of malaria and kala-azar and other preventible diseases and of untimely and abnormal floods which destroy the crops of the tracts which are watered by this river and its tributaries. People of the Tippera district have already been suffering from obstructive drainage caused by the railway embankment constructed from Akhaura to Ashuganj as there is not sufficient number of culverts and bridges for easy flow of flood water.

It is high time that the activities of the Irrigation Department should be directed to the protection and preservation of this main waterway. The beds of this river and its tributaries have already been raised and the river is scarcely able to carry the surplus rain water through its channel which flows over the fields giving rise to untimely floods which destroy the crops of the low lying tracts.

Now, if over and above this process of silting up which has already begun a bridge as contemplated by the railway authorities is built, it will rapidly facilitate this process to the detriment of health and agriculture and industries of the people.

Sir, you can well imagine the dismal picture of misery which may be caused by this gradual silting up of this very important and main water channel. It is therefore my earnest prayer that Government should not allow the bridge to be constructed without proper and thorough investigation of the consequences which may injuriously affect this big water channel, which has mainly contributed so much towards the prosperity and health of the people of the districts through which it passes. It is regrettable that with the example of the Sara bridge before them the authorities have thought fit to launch this project without any proper investigation and without any care for the health and prosperity of the people concerned.

With these remarks I support the motion of my friend Babu Satish Chandra Ray Chowdhury.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am afraid my friend Babu Satish Chandra Ray Chowdhury has mistaken his remedy. His two specific requests are that the project be modified and that a committee be appointed to examine the project. We in the Land Revenue Department are merely the acquiring department. Suppose the Calcutta Corporation or a District Board applies to its administrative department, namely, the Local Self-Government Department, for the acquisition of a plot of land; the Local Self-Government Department approves and forwards it to the Land Revenue Department and we are bound under the Land Acquisition Act to put the machinery of that Act into operation and to acquire that land for them.

Now if there be any question on the merits as to whether a project should be undertaken or not that is a matter for enquiry by the department which requisitions for the acquisition of the land, but in this case the position is still more hopeless. Here the land is being acquired at the instance of the Railway Board—a central subject. But if there were any grievances those grievances should have been ventilated in another assembly and not here. At the same time I may assure Babu Satish Chandra Ray Chowdhury that if his allegations be correct then not only I but every Member of Government should have every sympathy with the object he has in view, and I may tell him that in the

past this Government did take various steps to bring to the notice of the Government of India matters affecting the well being of the local public. For example, in the department of my Hon'ble friend, Mr. Marr, steps are taken to see whether there are enough space in the span of a bridge, etc., but beyond representing to the Government of India we have no power to do anything more effective, we are bound by the decision of the Government of India. In the Department of my Hon'ble friend, Sir A. K. Ghuznavi—the Irrigation Department—steps are taken to enquire whether irrigation channels are obstructed and whenever necessary representations would be made to the Government of India. In the Department of Public Health also under decisions of Government arrived at so far as I remember a few years ago similar enquiries are made. The results of the enquiries of these departments would then be forwarded to the Government of India who are the final authority in the matter. Therefore, if the facts be what Babu Satish Chandra Ray Chowdhury and his supporters represent, the proper remedy would be to approach the Government of India, as this is a central subject under the administration of the Railway Board.

Mr. PRESIDENT: It would be very interesting to know from you as to whether you admit that it is up to a member of the local Legislature to bring pressure upon a relevant department of the local Government, by a motion for a token cut on any item of the Budget with which the department is concerned, in order to have the views of the local Legislature represented to the Government of India in respect of a matter, which although central, affects local interests.

The Hon'ble Sir PROVASH CHUNDER MITTER: You have anticipated me, Sir. That is the next point I was going to mention. I am pleased to notice that you have anticipated me. Our arrangements with the Government of India for acquisition of land for construction of railways are that they pay the whole amount. The provincial taxpayer does not pay a single rupee. We make provision in the budget to advance the expenses of acquisition but the whole amount is ultimately paid by the central Government or the Railway administration just as when the Calcutta Improvement Trust wants to acquire land the whole amount is paid by the Improvement Trust. So no effective pressure can be put through us. We have no right to modify a scheme and no right to appoint a committee as no good purpose will be served thereby, specially as no effective pressure can be brought to bear on that Government by us. At the same time should the mover so desire I am willing to represent to the relevant departments—not the Land Revenue Department, but the departments under my friends, the Hon'ble Mr. Marr, the Hon'ble Sir A. K. Ghuznavi and the Hon'ble Kumar Shib Shekhareswar Ray, who will then no doubt examine the matter and represent it to the Government of India if they are satisfied. Therefore, after this assurance and explanation of the true

position I hope and trust the mover will not press his motion because we in the Land Revenue Department are powerless in the matter.

4 p.m.

The Hon'ble Mr. A. MARR: Sir, this matter really is one which is under my charge, and I did not know that this question would come up in this debate. I have not got the file before me, and am trusting my memory for what I say. When the Railway Board take up any project, such as this bridge over the Meghna River, they send it down to the local Government for their opinion, and in the ordinary way we always consult the Irrigation Department and the Public Health Department and frame our opinion accordingly. I cannot quite remember—I am trusting altogether to my memory—but I do think that in this particular case the original proposal was modified in the light of what the Irrigation Department said. I again say—if my memory serves me correctly—the Railway Board accepted this modification. If the member would like to have exact information, I shall be very glad to furnish it to him if he comes to me.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, the Hon'ble Member-in-charge says that this matter should be represented to the Government of India, and the Railway Board————

Mr. PRESIDENT: You are not entitled to make another speech.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I am simply replying to a particular point————

Mr. PRESIDENT: You have no right of reply in this case. Do you mean to withdraw the motion?

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, the whole thing rests on this. If we get this assurance————

Mr. PRESIDENT: I have to tell you that if you withdraw the motion, you will have to do so unconditionally. That is the rule.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, on the assurance given by the Hon'ble Member-in-charge I would ask the leave of the House to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 33,000 under the head "5A.—Charges of Administration—Wards' Estates Establishment" be reduced by Rs. 100.

My object in moving this motion is to draw the attention of the House to the inadequacy of the number of Muhammadans employed as managers of estates under the Court of Wards. Sir, we see that in certain departments of Government it has been recognised that as the Muhammadan community is backward, encouragement should be given them by employing a fair number of Muhammadans. I think, Sir, that this is a principle which Government has accepted as salutary. If so, it seems to be very strange why in this department the claims of the Muhammadan community should be so scantily recognised. If, Sir, the Civil List is looked into, it will be found that amongst the number of managers employed under the Court of Wards there are 21 Hindus, 1 European, and only 2 Muhammadans, that is out of a total of 24 the number of Muhammadans is only 2. This seems to me very unsatisfactory, and I think it is up to the Government to see that an increased number of Muhammadans is employed in this department as in other departments. This is a very simple proposition, and I hope that the Hon'ble Member-in-charge will kindly explain to the House why the number of Muhammadans is so meagre in this department. With these few words I beg to move the motion.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, although on other occasions questions were put on this subject, I welcome this opportunity as it enables me to explain the position. I can assure Maulvi Tamizuddin Khan that it is not the intention of the Board of Revenue, who administers the Court of Wards, not to give due attention to the employment of Muhammadans, and quite recently—I believe since the last Civil List was published—two Muhammadans have been taken in the Dacca Nawab's Estate, and a third Muhammadan in another estate, and in one or two cases of minor appointments Muhammadans have been appointed. But, Sir, there are certain inherent difficulties. Under the Court of Wards Act Government is in the position of a trustee, and when an estate comes into the hands of the Court of Wards, ordinarily the practice is to retain the old staff, and if the old staff is retained—and in the interests of work the old staff has got to be retained, because that staff is familiar with the administration of the estate—ordinarily no question of vacancy arises. It is only when a vacancy occurs, that the question of a new appointment arises.

Then, again, whatever the reasons may be, I find, Sir, that somehow or other zamindari employment is not so popular amongst Muhammadans as it is amongst Hindus, and I find that even in estates belonging to Muhammadan zamindars, Hindu officers predominate. This is also true of Muhammadan estates which come under the Court of Wards. And in one particular case, a well-known Muhammadan gentleman—I will not mention his name here, but if Maulvi

Tamizuddin Khan wants to know it, I shall tell him in private—who had a Muhammadan manager, represented to the Board of Revenue that he should be replaced by a Hindu. Be that as it may, I can assure Maulvi Tamizuddin Khan that the Board of Revenue is not averse to the employment of Muhammadans, because they are Muhammadans, either as managers or in any other capacity. I may remind my friend that this is not a permanent service like other Government services, but a temporary one, and as soon as an estate is released the retention or otherwise of officers does not lie with Government.

I can assure my friend that, subject to the limitations of the conditions of service, and subject to the interests of the different estates this question is not lost sight of. I hope I have made myself clear and that Maulvi Tamizuddin Khan will see his way not to press this motion.

Maulvi TAMIZUDDIN KHAN: Sir, in view of the explanation and the assurance given by the Hon'ble Member-in-charge, I beg leave of the House to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I propose to have one discussion on items Nos. 4 and 5.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the demand of Rs. 1,53,100 under the head "5A.—Charges of Administration—Road Cess, Valuation and Revaluation Establishment" be reduced by Rs. 100 (to discuss the working of the Cess Act, to draw attention to the present method of valuation, to urge for an enquiry into the incidence of cess taxation and for an early revision of the Cess Act).

Sir, the members of the House are aware of the fact that this Cess Act was passed in the year 1880. In the statute book of this presidency this is one of the most complicated and amazing piece of work which is very difficult even for the trained mind, not to speak of any ordinary man, to understand, to appreciate the difficulties and complications in the different sections of the Act.

In connexion with the Primary Education Bill this Act has been the subject of discussion for some years past and members of this House had several opportunities to discuss the different sections of the Act. Sir, the more we have looked into this Act, the more we have been convinced that this Cess Act requires an early amendment in the interests of the rural middle-classes and the jotedars of Bengal. My conclusion as a result of the study of the Cess Act is that the pressure of taxation on the middle-classes in the rural areas has become very

secure. I have just now only a few cases before me, and these cases came to my notice in connexion with the Primary Education Bill, when we wanted to know definitely as to the actual application of the Cess Act. I am prepared to give all these figures later on: I am prepared to place *all* these figures before the Revenue Department, if necessary. I may tell you, Sir, that in one case where the cess was one anna, it was increased to Rs. 2-9 ; in another case it was increased from As. 10-6 to Rs. 16-6-6; in another case it was enhanced from Rs. 20-13 to Rs. 76-14; in another from Rs. 50-10-9 to Rs. 166-14-9; in another from Rs. 51 to Rs. 180. I will give one more example in which case it was increased from fourteen annas to Rs. 7-8. It has been the experience of everyone connected with the operations of the Cess Act that the common people hardly understand its intricacies, and when they get hold of a valuation roll, it is as unintelligible as anything could be. How the valuation is to be calculated is a matter of extreme difficulty, even with trained minds. I have asked questions point-blank to people directly concerned in the operations of the Act, and I can assure members of this House that in most cases they have failed to answer my queries. This relates to tenure-holders. And so far as the tenants are concerned, most of them are unaware as to what would be the amount of assessment under the Act.

The members of the House will realise that when the Cess Act came into operation in the eighties of last century, the total amount of cess was about Rs. 45 lakhs: it is now about Rs. 85 lakhs. I have not got the exact figures with me, and so I am giving only approximate ones. Through successive re-valuation proceedings, the cess has been going higher up and after the settlement operations, every man is affected in an oppressive manner. The middle-class people in rural areas even with large holdings are feeling the burden of taxation to such an extent that at times they find it extremely difficult to make both ends meet. When we realise that the cess valuations are calculated, not merely for the cultivated lands but also on gardens and waste lands, even lands which are not cultivable at all seasons of the year—when all these are brought under the operations of the Act, one can imagine how the valuation goes extremely high. After all, those who are acquainted with the agricultural position to-day will realise that the soil conditions are gradually deteriorating and that the total amount of produce which the agriculturists get to-day are becoming less and less, and the real value of even what they get from the land is decreasing while the standard of living is increasing more and more. And if along with this, this taxation goes on increasing year after year, then I think the situation calls for early consideration at this stage. After all, a limit must be put. The sooner it comes the better. The situation will become worse if you do not put a limit at this stage.

Then there is the difficulty about some definitions in the Cess Act. The members are aware that by a peculiar definition in the Cess Act the cultivating raiyat is often reduced to the position of a tenure-holder.

He is a cultivating raiyat with 10 bighas of land, of which he cultivates 9 bighas himself and lets out only one bigha to another. The moment he lets out even a small fraction of his land, he becomes not a cultivating raiyat but a tenure-holder. As a cultivating raiyat his position is much better as he has to pay only two pice in a rupee of rent. As a tenure-holder his cess is to be calculated on the valuation of the land which is sometimes Rs. 5 to Rs. 6 per acre or even Rs. 9 to Rs. 10 or even more. The result is that people are feeling the pressure of taxation. In our district of Nadia we have got a net cultivating area of 13 lakhs of acres and on that the people of that district have to pay a cess of over Rs. 3 lakhs. It comes to this that the incidence of the cess only is about four annas per acre. On a reference to the settlement records you will find that the incidence of rent for an occupancy holding is Rs. 2-7-3 and for that amount under the Act, if a man was a cultivating tenant, he had to pay only one anna instead of four annas which he has to pay through the operations of a particular section of the Cess Act. You will find that in the district of Nadia there are about 3,11,500 houses. Calculating five members for each family the total number of families comes to about 2,50,000 or 3 lakhs. It is recorded that in this district the number of tenure-holders for cess purposes is about 2,32,329; in other words, almost every family is treated as a tenure-holder and not as a cultivating tenant. I think I have made my point perfectly intelligible. In our district of Nadia we have got a population of about 13 lakhs and in the rural areas we have got 3,11,000 houses and calculating five members for each family we get 2,50,000. On a reference to the Cess Report we find that the total number of tenures in our district is 2,32,000. Therefore it appears that each family is considered to be a tenure-holder and the result is that every man in our district has to pay the cess to the extent of four annas—man, woman, a child, even an old invalid has to pay a cess taxation of roughly about four annas per head. I certainly consider the figure to be extremely high. I feel sure that members realise that the people specially of the rural areas in Bengal have to submit to a further taxation under the Village Self-Government Act. As I have said before, the total amount of taxation realised under the Cess Act is about Rs. 85 lakhs. Under the Village Self-Government Act the total taxation realised by the Union Boards amounts to 30 lakhs. Calculating the same figure for the whole of Bengal I find that the people have to pay six annas per acre for the two taxes, namely four annas for cess and two annas for the village self-government tax. Leaving out the village self-government taxation I think the figure is such as requires consideration.

Probably, the circumstances would not have been so difficult but for the process of calculation which treats a cultivating raiyat as a tenure-holder and the cess is calculated not on the rent basis but on the valuation basis. I do not want to take more time but I only wish to draw attention to the seriousness of the problem, as the people in the rural areas have to pay much more than their means permit. I want to draw the early attention of the members to this aspect of the question. As I have said before, this is a matter which requires an early enquiry to be made into the question of the incidence of taxation and an early revision of the Cess Act in order to ensure a more equitable distribution. As I have said before, the men who are at the middle have to pay much larger ratio than the men at the bottom and the top. In the interests of the general public and in the interests of the middle-class people who live in the rural area, I think the House will realise that some relief is absolutely essential.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I beg to move that the demand of Rs. 1,53,100 under the head "5A.—Road Cess, Valuation and Revaluation Establishment" be reduced by Re. 1 (to draw attention to the manner in which the work of revaluation has been and is being carried on).

While supporting Khan Bahadur Azizul Haque that the law should be changed I beg to draw the attention of the Hon'ble Member with regard to the arbitrary way in which the road and public work cesses have been calculated by the Revaluation Officers. This fact has already been brought before this House last year by Babu Jogendra Nath Maitra and an assurance being given by the Hon'ble Member, he did not press his motion, on the contrary, he withdrew it. I regret to say that no practical steps have been taken in spite of the assurance of the Hon'ble Member of the Revenue Department and in spite of the fact that a year has passed since. The calculation of the cess has been carried out on the same arbitrary way as it was done before. No improvement has been noticed in the methods adopted by the Revaluation Officers.

At the very outset may I say, that the middle-class people are most affected by this way of calculating cess; and although memorial after memorial has been submitted and questions after questions asked of the Government, the injust impositions continue without any regard to their claims. By such whimsical action the middle-class people have suffered more than the cultivators. As for the zemindars their cess has not been varied as they have to pay according to the net income. To offer some relief to the middle-class people, I move this cut.

The Cess Act clearly lays down that while ascertaining the value of the land only the annual rent paid by the cultivating raiyats should

be taken into consideration, yet it is astonishing to find that the bargadars have been treated as raiyats and the crops paid by them have been treated as rent. A distinction has been drawn between a cultivating raiyat and non-cultivating raiyat, yet it is surprising to find that the tenants cultivating lands by means of bargadars or labourers have been treated as non-cultivating raiyats. In the recent Settlement work the Revaluation Officers have calculated the cess not on the rent of the land but on the products of the land. These things are going on under the present Bengal Tenancy Act just as if the old Act was in existence, with the result that tenants having bargadars have been assessed at even five times and even more, of their original assessment on the same *jama* as rent.

Not only this, the Revaluation Officers have invented another theory of levying cess on burning ghats, burial grounds, dahars and other places which fetch no income, however the good management may be. The law clearly states that the cess should be in proportion to the income of the land; but the Revaluation Officers finding a new imaginary source of income, calculate cesses against the very spirit of the law thereby harassing the zemindars unnecessarily and putting them to severe loss. I cannot make out if the action of the Revaluation Officers in this direction has been approved by Government; are the Revaluation Officers carrying out the work under instructions from the Government or it is that they are carrying out their own whims and fancies with the object of getting some sort of promotion in the department? Whatever might be the object, this House should condemn the action most emphatically; and I appeal to the Hon'ble Member to see that such arbitrary and illegal action is stopped without further delay.

Sir, the most peculiar thing in this scheme is the levying of road cess where there is no road at all. There are several mehals in the Sundarbans where there is no road nor is there any likelihood of a road, but zemindars have to pay the road cess regularly year after year. Since the Cess Act was introduced the cesses have been paid for the last 45 years but no road has been constructed nor is there any likelihood of any construction. I know Sir, this is the duty of the district boards and the Hon'ble Member has nothing to do with the matter, but I bring this to the notice of the House in order to show how things are going on in practice, how the Cess Act has benefited the tenants.

There is another factor to which I wish to draw the attention of the Hon'ble Member. When the Cess Act was introduced in the Council, the House was given to understand that the whole amount would be utilised for local purposes for the improvement of roads and for public works and nothing should be spent as collection charges. The zemindars agreed to this on the assurance given by Government, and considering that the land would be improved and the means of

communication would be bettered, they agreed in spite of the fact that any such additional amount over and above the revenue of the land would be a direct infringement on the vested rights granted to them by the Permanent Settlement. Not only was this so, but they also agreed to bear the cost of establishment for the collection without any charge. Strange to say, however, that though the zemindars have agreed to do the work of realisation without any remuneration, the Government do not see their way to part with the collection charges. Zemindars in their turn have to go to individual raiyats to collect such a petty amount as one pie, two pies and so on, and they have to keep thousands of thousands of accounts for this work, yet they do not think it proper to charge any remuneration, whereas when it comes to the Government they charge an exorbitant amount, such as Rs. 5,50,000, for keeping the accounts for a small number of cases. The Government are the Paramount Power and have more interest in the land than that of the zemindars. If zemindars can part with this collection charge with their limited interest, why should not the Government do likewise. There should be an uniformity of principle in this matter. Let no charge be made by the Government and the whole amount be handed over to the district boards which are starving for the want of money at present. It will be a great help and relief to the district boards if they can get this sum of Rs. 5,50,000 and the law should be changed accordingly.

With these things in view I formally move my motion.

Maulvi TAMIZUDDIN KHAN: I beg to support the motion of Khan Bahadur Maulvi Azizul Haque. He has explained the object with which he has moved it. He has stated that the operations of the Cess Act have been working very harshly upon the middle-classes of this province. In a manner he is quite right. In his speech he has also explained that a particular section of the Cess Act has created a new class of tenure-holders. I think that this is an unjust section which has created a fictitious class of tenure-holders. Nowadays, as every body knows, there are very few cultivators who do not let out at least some portion of their holdings. Therefore, if these cultivators, who are nothing more than cultivators simply because they have sublet only a very insignificant portion of their holdings to others, are reckoned as tenure-holders, I think there is no one who can escape from the operation of this unjust section of the Cess Act. It is up to Government that this unjust provision be removed from the Act; but instead of doing that the Government is initiating revaluation proceedings almost in every district and in these revaluation proceedings the amount of the cess is going to be tremendously increased. In these revaluation proceedings the classes of people who will be most hard hit will be the cultivators who by the operation of this Cess Act are classed as fictitious tenure-holders.

There is another aspect of the matter. Under the present Bengal Tenancy (Amendment) Act, transfer of occupancy holdings has become rather unpopular, and as far as my experience goes, those who would have otherwise sold their holdings are now having resort to the procedure of subletting their holdings for the purpose of avoiding landlords' fees. In these cases it will be seen that all those owners of occupancy holdings will be turned into tenure-holders, even if it happens that a portion of those holdings is sublet to under-raiyats. Therefore, as this is a very unjust provision which is working disastrously upon both the actual middle-class people of the province as well as the cultivators of the soil, I think Government should take immediate steps to see that this Act is amended so that these obnoxious provisions are removed from it.

[At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.]

Babu KISHORI MOHAN CHAUDHURI: Sir, the question is really an important one and demands special consideration of Government. There is real complaint in cess valuation. In the Cess Act there is no doubt a provision that if there is a holding consisting of hundred bighas or more, it should be presumed to be a tenure, but the real difficulty lies in the Settlement Department. In that department the practice is that whoever does not cultivate his own land is treated as a tenure-holder; even *bhadralog* class are treated as tenure-holders. The zemindar treats them as occupancy raiyats, but the department treats them as tenure-holders. The difficulty lies not only in the cess valuation, but also in the case of enhancement. If one is considered to be a tenure-holder, the zemindar can demand a very high enhancement, but in the case of an occupancy holding no high demand can be made; and much difficulty arises in connection with enhancement. Similarly, when one is considered to be a tenure-holder, there is unnecessary high valuation made of the proceeds of the land and necessarily a higher demand is made for cesses. So, the difficulty has really been created by the Settlement Department, and revaluation is generally made by that department. So, it is really a question which ought to be seriously considered. It may be that many jotedars and moneyed men have purchased occupancy holdings. One may have purchased two hundred or three hundred bighas of occupancy holdings in different plots. But because he possesses two hundred or three hundred bighas of land, he cannot be considered to be a tenure-holder. In this case the zamindar does not demand a high enhancement; he is quite willing to treat him as an occupancy raiyat. In many cases after the settlement operations big jotedars possessing two hundred or three hundred bighas of land have been treated as tenure-holders and enhancement suits were instituted, but by amicable arrangement the zemindar has consented to treat them as occupancy raiyats and has

given up the right of high assessment or enhancement. So, I think the matter should be enquired into, and as the Settlement Department is generally conducted under Government instructions, instructions should be issued to treat such holdings as occupancy holdings. In this connection I may mention another fact. Every tank and *patit* land have been treated as holdings and assessed. In many cases tanks are used by tenants for taking water and generally no rents are taken for that. But now if the Settlement Department thinks that tanks have an assessable value, the zemindar will be bound to realise something on account of the use of the water of the tank; if the *patit* land is used, in that case the zemaindar will be bound to realise something also. So, there is that difficulty, and I think Government should take special care in issuing instructions to the Settlement Department to ensure that the thing is done properly and the raiyat is not harassed unnecessarily.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the amendment of Khan Bahadur Maulvi Azizul Haque has four points, viz., the working of the Cess Act, the present method of valuation, enquiry into the incidence of cess taxation and a request for revision of the Cess Act. I take it that the third and fourth points are really a suggestion for the amendment of the Cess Act, and the first and second points refer to the working of the existing Act. Sir, the question was discussed fairly fully last year at budget time on cuts proposed by Babu Jogendra Chandra Moitra and Rai Bahadur Satyendra Nath Roy Choudhuri and my views I tried to explain fully on that occasion, but as there are many new members, I would like to explain my views once more.

As regards the question of the amendment of the Cess Act, I entirely agree with Khan Bahadur Azizul Haque that it is very desirable that we should enquire into the working of the Cess Act with a view to amending it. The Cess Act was passed originally in 1871; it was amended in 1881. Either in 1871 or in 1881 there was no record-of-rights, and Government was not in possession of materials appertaining to the interior of a district. Therefore, Government was reduced to the position of having some method of assessing cesses and the only method available was assessment on rentals. Now that we have records-of-rights in 17 districts, and as the records-of-rights in the remaining districts are going to be completed soon, materials will be available for adjustment of the incidence of taxation. But in this connection I would remind the House of one thing. I am sure all elected representatives of this House will agree with me—at any rate those who are not blind with self-interest, be they landlords' or raiyats' representatives—that the future of the province depends largely on the proper working of the district boards and village union

boards. If you want to work properly the district and union boards, you cannot do so unless you have sufficient money for improvement of education, health, agriculture and various other activities of life. Therefore, I do not for a moment desire to hold out the hope that as a result of the re-enactment of the Cess Act the total assets of the district boards should be reduced; indeed they should not only be not reduced but considerably increased, but I do say this that it may be possible by a more equitable adjustment to get more money for the district boards and to remove injustice, and injustice undoubtedly there is, because the Act was framed in a time when our knowledge was limited. Now, Sir, since we discussed the question last, we in the Revenue Department tried to examine this question and found that the question was full of intricacies. Each district has separate problems of its own and we found that it was necessary to examine the problems very very carefully. With that object in view I have obtained, with the approval of Government as a whole, the services of a special officer to examine such materials as are available, and without examining them it is not possible for me, far less for Government, to come to any definite decision. After that examination is completed—and I hope that examination will not take a long time, perhaps three or four months would suffice, because we have materials in the record-of-rights and cess revaluation offices—the question will have to be considered by Government, and after such consideration by Government the results will be placed either before the Land Revenue Standing Committee or a small representative committee of this House, because the question of the amendment of the Cess Act is of such importance that I and the Members of the Government would feel their responsibility much lightened if we can share it with some representatives of the people.

5 p.m.

That is so far as the proposal of the amendment of the Cess Act is concerned. About the injustice of the working of the Act I would like to point out that so long as the Act is there it has to be administered as we find it, but if there is any injustice on a large scale due to misapplication of statutory powers I am quite prepared to examine it. But as regards individual injustice the Act and the rules provide a machinery. I am free to admit, however, that that machinery is seldom availed of. I find that in spite of the eloquence of Khan Bahadur Azizul Haque about the disastrous state of affairs in the district of Nadia regarding revision of cess assessment that only 441 objections were preferred. There must have been many thousands of persons affected but only 441 persons objected, but if the rate-payer will not take care of himself with regard to individual injustice, Government cannot, by a circular order, remedy the injustice. But if

there be any injustice on a large scale it is the business of Government to examine it and the Government in the Revenue Department did examine with reference to one district, about which there was a good deal of criticism and about which there might have been some injustice. Government also examined the position with regard to an important aspect of the question arising out of the assessment of cess on bargadars. By last year's amendment of the Bengal Tenancy Act the question of the status of the bargadar has, to some extent, been set at rest, though not to the extent that some may imagine. At any rate we have got a definite statutory definition as to what a bargadar is or is not. But the real difficulty, if properly analysed, lies on the definition of "annual value." Under section 4 of the Cess Act the expression "annual value" has been defined in this way:—

"'Annual value of any land, estate or tenure,' means the total .....rent which is payable, or if no rent is actually payable, would on a reasonable assessment be payable, during the year by all the cultivating raiyats of such land, estate or tenure, or by other persons in the actual use and occupation thereof."

Therefore where rent is actually payable—injustice or no injustice—the cess valuation officer is bound to value on that rent. Now let me apply this test in the case of a bargadar. The bargadar may be a tenant or a labourer. Where the bargadar is a tenant then what is his rent. His rent is in many cases half share of the profits. Section 4 provides its own explanation. Lower down in that section there is this explanation:—

"When rent is payable in kind, the money value thereof shall, for the purpose of this Act, be taken to be the annual value of the landlord's share of the crop calculated on an average of the three years next preceding any valuation or revaluation under this Act." Therefore when the bargadar is a tenant, the explanation gives clear direction as to method of valuation but difficulties constantly arise with reference to the question of status of the bargadar, namely, whether he is a tenant or a labourer. The cess revaluation officer perhaps says that the bargadar is a tenant, the cultivating raiyat, who is immediately above him, would like to say that the bargadar is not a tenant but a labourer. I admit that in some settlement proceedings particularly in the settlement proceedings of Pabna, in column 23, no definite record was made in many cases as required by section 102 of the Bengal Tenancy Act. The proceedings merely mention "bargadar." We have issued instructions that in future the provisions of section 102 of the Bengal Tenancy Act should be respected and that either a man should be recorded as a tenant, i.e., an occupancy raiyat or under-raiyat or if he is merely a labourer then he should not be recorded as a tenant. That would solve some of the difficulties.

Then there is another class of difficulty which will be eliminated by the instructions which have been recently issued arising out of certain representations on Pabna revaluation and the Bogra revaluation. I will only place before the House certain portions of the orders of Government in the Revenue Department—where the bargadar has been recorded as a tenant he should be treated as a tenant under section 4 of the Cess Act, and the explanation of the definition of the cultivating raiyat will apply to his case. Secondly where the bargadar has not been recorded as a tenant he should be treated as a mere labourer. Where the person whose land he cultivates is a cess occupancy holder, a reasonable assessment should be made on that basis and that in arriving at a reasonable assessment some suitable percentage should be allowed. I may mention here that a reasonable percentage was allowed by the revaluation officer in certain districts. In other districts we find that the same percentage was not allowed. The Board of Revenue is at present enquiring into what should be a reasonable percentage. It has addressed the Commissioners and the Collectors and the matter is still under consideration so that as regards the case where the bargadar is a labourer his landlord is likely to get some relief after the enquiry of the Board is completed. As regards the case where the bargadar is a tenant section 4 is conclusive. We have no option in the matter and the statutory law must be followed. As regards the case where the bargadar is a labourer the interest of just above his—that is the last link in the chain—is not to be treated as cess tenure-holder. This is another relief which follows from this interpretation. The last man in the chain will not be a cess tenure-holder unless he has a tenant under him. If the bargadar is only a labourer than the man whose land he cultivates would in most cases be a raiyat or an under-raiyat and his assessment will be on the rent actually paid by him. As regards the other question, namely, payment of increased cesses, I know it is very hard for anybody to pay tax. Those who pay income-tax do not like to pay it. Similarly, landlords have to pay cesses whether they like it or not. After each record-of-rights it is found that there are a variety of reasons why the cess can be rightly and legitimately increased. Last year I placed those reasons before the House and I think it will not be out of place to repeat them here:—

(1) Increase of rent obtained by landlords after proceedings under section 105 of the Bengal Tenancy Act;

(2) Reclamation of waste lands and char lands where there are rivers;

(3) Formation of new diara and formation of chars;

(4) Niskhar lands brought to light by record-of-rights;

(5) Valuation of land appertaining to tauzis in several districts; and

(6) Under-statement of areas in previous revaluation which increased considerably after settlement.

Therefore it will be seen that after the record-of-rights we must expect an increase in the cess assessment and landlords have no legitimate right to complain.

Now, I would only say a few words with regard to the points raised by the Raja of Nashipur.

Khan Bahadur Maulvi AZIZUL HAQUE: May I interrupt the Hon'ble Member for a moment? He has not replied to my main point, viz., that by the operation of the Cess Act a raiyat who is a raiyat for all practical purposes becomes a cess tenure-holder the moment he lets out an infinitesimal part of his land.

The Hon'ble Sir PROVASH CHUNDER MITTER: My friend was not here all the time when I was speaking or he would not have put this question. Under the present Cess Act as soon as a raiyat underlets a portion of his holding the under-lessee becomes the primary tenant and the man above him a landlord even though he is an occupancy raiyat under the Bengal Tenancy Act. That is a point which emerges from different provisions in different places of the Act and the statutory law. The Khan Bahadur and others were pressing for a lower assessment on the poorer cess landlords and yet I find in an answer to a question to-day that both Khan Bahadur Azizul Haque and Maulvi Tamizudding Khan agreed in the Primary Education Committee to the proportionate share of 2 pice and 3 pice between the landlord and the tenant. Under the present Cess Act if an occupancy raiyat holds, say, 10 bighas of land and lets out, say, 10 cottahs he becomes a cess tenure-holder with regard to the 10 cottahs at any rate although under the Bengal Tenancy Act he is not a tenure-holder but a raiyat. (Khan Bahadur Maulvi AZIZUL HAQUE: By a note in the Act). I do not quite agree with that. So far as my interpretation goes it is by the Act itself. This interpretation has been accepted for the last 50 years and must be presumed to be the correct interpretation. If my hon'ble friend has any doubt on the point he can have it tested in a court of law. (Khan Bahadur Maulvi AZIZUL HAQUE: Yes, the decision will be given after 20 years). It may not be 20 years but if that is so I think we, lawyers are also responsible for law's delay. At any rate I want to make it clear that according to my reading of the Cess Act, if an occupancy raiyat lets out a portion of his land to an under-raiyat he becomes a cess tenure-holder. The whole scheme of the Cess Act is that and this has been the interpretation since 1871.

I now come to the points raised by my friend Raja of Nashipur. I have already dealt with the point about alleged arbitrary decision. About the question of cultivating raiyat and bargadar the relief asked for will depend on the advice of the Board of Revenue so that one uniform policy may, if possible, be followed in all districts. At any rate my interpretation last year regarding "bargadar," ought to give some relief where relief is justly due.

5-15 p.m.

I have before me a copy of the proceedings of last year. The assurance that I gave has nothing to do with the province as a whole; it was limited to the district of Pabna and Pabna alone; and that again was limited as to cases to which attention of the department might be drawn. I have already explained to the House I have acted on the assurance that I gave there as my further attention was not drawn to other Pabna cases specifically I did not deal with Pabna cases specially.

Then the Raja Bahadur of Nashipur said that in many portions of a district there are no roads at all. Surely my esteemed friend the Raja Bahadur with his knowledge of local self-government, being himself a member of a district board and an ex-Minister, he knows that this is a matter for the district board. It is the business of Government to realise the cesses and to hand them over to the district boards and then it is the business of the elected representatives of the people in the district boards to see that these cesses are fairly distributed. If one portion of a district is neglected and another portion is not, then the Revenue Department certainly is not responsible.

About the collection charges he said: why should Government levy a collection charge. There is a statutory provision in the Act under sections 91 and 106 and the rules framed thereunder (the Raja Bahadur can find this out from Khan Bahadur Maulvi Azizul Haque who kindly drew my attention to those rules) by which this can be levied and if the Raja Bahadur will kindly study the proceedings more closely of 1871 he will find that it is not correct to say that the zamindars do not get anything as collection charges. Be that as it may, there is a statutory provision about the collection charge and the district boards are bound by the Act. I hope that mainly on my assurance that we are deeply engaged on the question of amending the Cess Act on a broad basis my hon'ble friends will not press their motions. Assuming that Khan Bahadur Azizul Haque's motion is carried, assuming that what he desires is a small amending section by which his doubt can be removed, will it not be better if the numerous points mentioned by Khan Bahadur Maulvi Azizul Haque and others are taken up at the same time? Therefore, as this is a question of the utmost importance and as—I again repeat—that point has not escaped the

attention of Government and we are enquiring into the matter and a special officer will take up the examination of the question I hope within a month, I trust my friends will not press their motions.

There is one more point that has not been touched upon and that is: why should we not appoint a committee? I can assure my friends and other members of this House that if we appoint a committee at this stage it will not be able to get proper and sufficient materials to come to a right decision. I have already assured the House that when our materials are ready we may either appoint a committee or at any rate consult the Land Revenue standing committee.

Khan Bahadur Maulvi AZIZUL HAQUE: Will you publish the report of the special officer?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot say that in advance.

Khan Bahadur Maulvi AZIZUL HAQUE: As the Hon'ble Member has appealed to me to withdraw my motion may I put a question as to whether it is the intention of Government to publish the report.

The Hon'ble Sir PROVASH CHUNDER MITTER: The answer is that the enquiring officer has not yet begun his work and I cannot give the assurance in advance. Ordinarily it is not the practice to publish these departmental reports but before legislation is actually undertaken the public has to be taken into confidence. If the Khan Bahadur wants an unequivocal answer from me to-day my answer is we do not propose to publish the report but I can tell him that Government will not do anything without giving to the House the relevant materials.

Khan Bahadur Maulvi AZIZUL HAQUE: In view of the assurance given that a committee may be appointed as a result of an enquiry by a special officer and that Government have just now entered upon the softening process of taking the public into their confidence, I am ready to withdraw my motion.

The motion of Khan Bahadur Maulvi Azizul Haque was then, by leave of the Council, withdrawn.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On the assurance given by the Hon'ble Member in charge that steps will be taken at an early date to appoint an enquiring officer to go into this question I beg leave of the House to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 15,32,000 under the head '5B.—Management of Government Estates' be reduced by Rs. 100 (for not taking steps for the appointment of a sufficient number of Moslem officers as khas mahal officers, khas tahsildars, managers and assistant managers in Government estates and estates under Court of Wards)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 15,32,000 under the head '5B.—Management of Government Estates' be reduced by Rs. 100 (to draw attention to the grievances of the Muslim community in the matter of recruiting tahsildars and clerks for khas mahals)."

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 94,000 under the head "5.—Land Revenue" be reduced by Re. 1 (to draw attention to the fact that the Resolution No. A 31, dated the 15th July, 1920, Government of India, Department of Industries and Munition, has not been given effect in the Reproduction Section of the Bengal Drawing Office).

Sir, the object of my motion is to draw attention to the fact that Resolution No. A 31, dated the 15th July, 1920, of the Government of India, Department of Industries and Munition, which granted some privileges to the employees of the Government presses was given effect to by the Finance Department of the Government of Bengal in the presses under its control. But the Revenue Department have not seen their way up till now to give effect to the aforesaid resolution in the Reproduction Section of the Bengal Drawing Office. Sir, the employees of the Reproduction Section of the Bengal Drawing Office are no less qualified than their fellow brothers of the other Government presses. They are entrusted with the far more responsible work than their brother officers in other Government presses. Provincial maps, thana maps in colours, district maps in colours, cadastral maps and other miscellaneous maps and plans are printed in this section, the Helio work and the new power process are also being efficiently done in this section. But the gradations and increment of salaries allowed to the employees of the Reproduction Section of the Bengal Drawing Office are abnormally low. The initial pay and the system of increment allowed to these employees are much lower than those allowed to their brother employees in other Government presses. The employees of this section submitted to Government a copy of proceeding of the extraordinary General Meeting of their branch Association, held at Alipore on the 13th July, 1929, putting forth their grievances and praying for immediate

redress. But no action has been taken to that effect by the Government up till now. In a crowded meeting of the Press Employees of Calcutta, held at Wellington Square, under the auspices of the Press Employees Association on Saturday, the 14th December, under the presidency of Mr. Satyendra Chandra Mitra, M.L.A., a resolution was passed requesting Sir P. C. Mitter, the Hon'ble Member in charge (Revenue Department) to see that immediate retrospective effect be given to Resolution No. A 31, dated the 15th July, 1920, of the Government of India, Department of Industries and Munition, in the Reproduction Section of the Bengal Drawing Office. But the Government seems to have taken no action on that up till now. Sir, while two of the presses under the Government of Bengal, viz., the Bengal Government Press and the Bengal Forms Department (attached to the Presidency Jail Press) have already got benefit of that Resolution with retrospective effect, will it be fair that the employees of the third press, I mean, the employees of the Reproduction Section of the Bengal Drawing Office, who are discharging more responsible work are deprived of the same concessions. It will be evident to this House the great injury and sufferings of the employees of the Reproduction Section from the present grade in the Bengal Government Press in comparison with the grade in vogue before the Resolution No. 31-A was given effect to.

The grade in the Bengal Government Press:—

	Before 15th July, 1920.	After 15th July, 1920.
	Rs.	Rs.
Head clerk	100—150	250—300
Overseer	75—150	200—300
Machine Foreman	50 (fixed)	150—200
Clerk	20—60	40—202
Store-keeper	45—60	100—150
Forme Carrier Cooly ..	9—11	20—30
Assistant Machine Foreman ..	35 (fixed)	70—98

While the unfortunate employees of the Reproduction Section are rotting on the same grade, the margin being too wide, though the nature of work is no less responsible, nay, more responsible is in some respects. The difference will at once be striking if I give this House an idea of the present scale of pay of the Reproduction Section.

Head Clerk (in the despatching section) Rs. 28—80.

Printing Supervisor (corresponding to Overseer of Bengal Government Press) Rs. 42—110.

Head Machine Foreman Rs. 36—70.

Clerk (in despatching section) Rs. 25—60.

Forme Carrier Cooly Rs. 14—15—30.

Store-keeper Rs. 25—60.

Assistant Printer (corresponding to the Assistant Machine Foreman, Bengal Government Press) Rs. 15—45.

Now, I appeal to this House, and also to the Government, to sympathetically consider the pitiable condition of these poor employees of the Reproduction Section of the Bengal Drawing Office who are losing their just dues and privileges.

The Hon'ble Sir PROVASH CHUNDER MITTER: The representation made to Government as well as the point involved in this budget cut is a very eloquent testimony to what will happen when politicians dabble in labour movements. A letter, dated the 17th December, 1929, was addressed to me and in that letter it was stated that the meeting resented the action of the Government of Bengal in the Revenue Department in not giving effect to Resolution No. A 31, dated the 15th July, 1920, Government of India, Department of Industries and Munition, and requested Sir P. C. Mitter to give immediate retrospective effect to the resolution in connection with the Reproduction Section of the Bengal Drawing Office. This meeting was presided over by a well-known political gentleman, Babu Satyendra Chandra Mitra, M.L.A.

The present amendment is practically a reproduction of that but it is not correct to say that we did not enquire into the matter or that we sat tight over it. The matter related primarily to the office of the Director of Land Records, and the Director did inquire into the matter. He also tried to get a copy of this resolution of the Government of India of the 15th July, 1920, from the Organizing Secretary. Our office note, dated the 1st February, 1930, says:—"If the Organizing Secretary does not tell us what the Government of India resolution is about, we can only file this letter." But we were not satisfied with that. Although the Organizing Secretary failed to produce this resolution, on the basis of which the grievance was made and on the basis of which this cut has been moved, we tried to get hold of this resolution of 1920. We pursued the subject further, and in pursuing the matter further we not only got hold of the Government of India resolution of 1920, but also found that in 1922 the McAlpin Committee had dealt with it. The resolution which forms the basis of this cut and which forms the basis of the grievance of the meeting presided over by Babu Satyendra Chandra Mitra, M.L.A., was that effect was not given to the resolution of the Government of India of 1920. Now, the case of the Reproduction Section of the office of the Director of Land Records was specifically dealt with in the McAlpin Committee's report at pages 39, 76, 44, 45 and 46 and effect was given by the Bengal Government to

the recommendation of the Committee by the resolution of July, 1922. So, Sir, if they have any grievance to-day—they may or may not have it—it can only be over the resolution of the Government of Bengal based on the recommendation of the McAlpin Committee, two years after the resolution of the Government of India was published, I can only say that when the happy day comes when our labourers will be able to look after themselves instead of being pawns on the political chess-board, they will understand the true position and then they would not forget a matter vitally affecting the interest of this particular class like the McAlpin Committee reported, although Babu Satyendra Chandra Mitra, M.L.A., Mr. K. C. Ray Chaudhury, and Maulvi Syed Jalaluddin Hashemy, with their other preoccupations, may forget that, subsequent to 1920, there was a committee and a Government resolution by which relief was given.

Therefore, Sir, I submit to this House that on the face of this resolution of the Government of Bengal no cut should be allowed, and I would tell Maulvi Syed Jalaluddin Hashemy that if the labourers have any genuine grievance with regard to this matter, the best way would be to approach the Director of Land Records and point out to him what the grievance is.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and lost.

Mr. PRESIDENT: I propose to have one discussion on items 10 and 11.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. Proceedings under sections 105 and 106 of the Bengal Tenancy Act with regard to assessment of fair rent are entirely judicial proceedings, and as such cannot come within the purview of the discussion of this Council.

Mr. BIJOY PRASAD SINGH ROY: I submit, Sir, this does not affect my motion No. 11. The Khan Bahadur says that the motion which stands in the name of the Raja Bahadur of Nashipur deals with cases under sections 105 and 106, which are judicial proceedings. My motion is altogether different.

Khan Bahadur Maulvi AZIZUL HAQUE: I am myself doubtful about my friend's motion. He has couched it in a different manner, and although he has not referred to judicial proceedings under sections 105 and 106, it is tantamount to that. Questions of title-of-right

which are decided by Settlement and Assistant Settlement Officers are entirely judicial proceedings, and, as such, the Council has no jurisdiction to discuss them.

Mr. PRESIDENT: I think item No. 10 can be moved provided the mover thereof does not comment upon any judgment, and if he gives this undertaking, he is at liberty to move it. With regard to item No. 11, the objection of the Khan Bahadur is untenable.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I give the undertaking required by you and move that the demand of Rs. 2,27,000 under the head "5C.—Survey and Settlement—Major Settlement Operations—Pay of Officers" be reduced by Re. 1 (to draw attention to the arbitrary way of dealing with cases under sections 105 and 106 of the Bengal Tenancy Act).

Sir, it is known to the members of this House how settlement cases as a whole are tried and disposed of, I mean cases under sections 105 and 106. These cases are title suits, involving the title-of-rights in lands and involving questions of land tenure. These are typical cases, involving questions of the most intricate nature of title and tenure, and a great deal of brain and labour is required to do justice to them. In such cases the parties have the option either to go to the civil court or to the settlement officer or assistant settlement officer to find relief. We find that whenever a party goes to the civil court, the judicial authority takes about a couple of days to decide each case, whereas if tried by the revenue officer of the Settlement Department, these cases are actually disposed of in hundreds each day. I appeal to the Hon'ble Member to see that these cases are not disposed of in such a hurried manner at the cost of real justice.

Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that the demand of Rs. 22,47,000 under the head "5C.—Survey and Settlement" be reduced by Rs. 100 (to criticise the survey and settlement policy of Government and the unsatisfactory manner in which the questions of title-of-right in holdings are being decided by the Settlement and Assistant Settlement Officers).

In doing so I would like to submit that this department of Government is very impartial. This I can freely admit, because the Settlement Department has got no communal bias, no class prejudice, and its activities affect the Hindus and Muhammadans, the landlords and tenants, alike. We hear of the high-handedness of the Police Department, but if any one cares to enquire into the high-handedness of this department, I am sure its action will be unanimously condemned by the whole House. Without indulging in any general remarks, I

would give certain facts. The Survey and Settlement work has got various stages. In the first year demarcation begins, and notice has got to be served by the Revenue Department on the landlord that the revenue staff are going to demarcate the boundaries of the mouzas. These notices are not properly served. I suggest that they ought to be properly served, and I think the best way of doing this is to send the notices by registered post. In the second year, the work begins with traverse and ends with field bujarhat or verification of the records and checking of entries therein. No notice is also served this year on the tenants or landlords. Suddenly, at the end of October or in the beginning of November, the amins, kanungoes, and a host of them come upon the scene, and the landlords and tenants are quite unprepared to receive them. Sir, in this year the trouble begins both to the landlord and tenant. The amins and kanungoes are very high-handed people: there is no check on them and they have summary powers. The kanungoes and assistant settlement officers would require the landlord's men to be with the amins at every village and at sheet. When the village is a big one, it is divided into several sheets and the amins work on these sheets. The landlords are very often fined for not deputing men to help the amins, and this power is often abused only to get something out of the tenants as well as the landlords, and there is no remedy. If a report is made to the assistant settlement officer, he sends it to the very amin or kanungo for disposal and the position of the complaint party becomes worse. If they go to the higher authorities and make complaints to the settlement officer, he in his turn will send them to the assistant settlement officer. Even if we move the Director of Land Records, there is no remedy, because these applications are generally sent to the very persons against whom the complaints are made. Sir, the third year is the year for hearing of objections under section 103A. Here, Sir, I would draw the attention of the Hon'ble Member to one point, namely to the title of *lakhiraj* lands.

5-45 p.m.

In case of revenue-free *lakhirajes* there is the *taidad* and the claimant should prove that it is a *lakhiraj*. The simple assertion of a *lakhiraj* right is accepted to be true and the burden is on the poor landlord to show that it is *mal* land. If the landlord cannot show realisation of rent, the presumption is against him and he has got to prove that it is a *mal* land. This is against all principles of decided cases. There are cases reported in 40 C.W.N., and the Privy Council decision in 49 Indian appeals. The burden is placed on the landlord against the principles of these decided cases. No principle is practically followed; the settlement officers are guided by their whims. The conveyance to which the landlord is not a party is accepted as a conclusive proof against him. So is the case in interpreting section

50; it has been loosely interpreted. I would like to draw the attention of the Hon'ble Member to these cases of injustice. I can give him specific cases in which the Revenue Department are working against the decisions of the law courts. I would request the Hon'ble Member to go into these questions of the burden of proof of *lakhiraj* rights very carefully and to see that no injustice is done to any party, either to the *lakhiraj* holder or to the zamindar. The question should be decided according to the principles laid down by the High Court or by the Judges of the Privy Council.

Dr. NARESH CHANDRA SEN GUPTA: I sympathise with the movers of the motions when they complain of high-handedness, from whatever quarter it comes. But so far as the grievances with regard to the proceedings under sections 105 and 106 are concerned, I beg to submit to this House that these are without much foundation; not because I am in a position to say from any personal experience that the quality of the work done by these officers is of a very high order, but from this simple test. No one is under any obligation to institute a proceeding under section 105 or section 106. The settlement operations properly speaking terminate with the final publication of the record-of-rights. It is by the voluntary act of the parties that the revenue officers are led to exercise jurisdiction under section 105 or section 106. Although these things are dealt with in a very unsatisfactory manner, if facts are as represented by the movers of these motions, we find that hundreds and thousands of cases under sections 105 and 106 are brought before the revenue officers by the voluntary act of the parties. I cannot say therefore that the public are dissatisfied with the decisions of the revenue officers. It would not be correct to say then that the settlement operations with regard to these sections are carried out in any manner by which people get less justice, at any rate, than they get in the civil courts.

The Hon'ble Sir PROVASH CHUNDER MITTER: I would first of all take up motion of Raja Bahadur of Nashipur. I am afraid my friend has moved this under a misapprehension. A mere perusal of sections 105 and 106 will convince him that an appeal lies to the special judge, and in all cases under section 106 and in some cases under section 105 a second appeal lies to the High Court. Therefore, the executive Government have no right to interfere with the judicial proceedings of courts. Therefore, I fail to appreciate the real motive of this cut.

With regard to Mr. Singh Roy's motion, it is roughly divisible into three heads. He complains of the high-handedness of the Settlement Department. I am sure Mr. Singh Roy when in a cooler moment will be able to appreciate that a general allegation like this

cannot be useful. If he really feels that the department is a very high-handed one, surely it ought not to be difficult for him to pick up a few cases and place them before the Director of Land Records, who I am sure will look into them. I am also sure that if any such case is brought before any settlement officer he will certainly look into it. I am afraid it is not possible either for me or anybody to help Mr. Singh Roy on a general allegation of that nature.

Then another point raised by Mr. Singh Roy is that the settlement officer wants the landlords' men to attend in different places. Certainly if the settlement officer desires to get the thing decided in the presence of both parties, he is doing the right thing. It may be difficult for the landlord who owns large properties to arrange for his men to attend in different places, but how will either the landlord or the tenant feel if the settlement officer or his subordinates were to decide cases in the absence of one of the parties? If we analyse, it comes to this that if in a particular portion of the district any difficulty arises, the remedy lies with the settlement officer. It is not a matter to bring before the Council or the Government.

Then the third point was about the application of section 50. The law is laid down in section 50 on the question of pre-emption. Mr. Singh Roy being a lawyer ought to know that there may be different interpretations on a question of law and how different judges have come to different decisions as to its applicability. Therefore, how can this House or Government assist Mr. Singh Roy in regard to section 50?

Now about *lakhiraj*, that is also a question of law. I am not here as a lawyer, but if Mr. Singh Roy can place before the Director of Land Records or Government a number of specific cases illustrative of wrong application on the question of principle, I shall be very pleased to consult the law officers of Government, but I cannot do anything on vague assertions. If he can show, for example, that the principle laid down in the Privy Council decision referred to by him has been departed from, I shall first of all enquire from the Director of Land Records, and then if desirable, consult the Legal Remembrancer or if need be the Advocate-General. Beyond that I cannot do anything.

In the circumstances, I hope the movers of the motions will see their way to withdraw the motions. I oppose both the motions.

Mr. BIJOY PRASAD SINGH ROY: Sir, in view of the assurance given by the Hon'ble Member that he would consider the cases, if they are placed before him, and consult the law officers of Government, I beg leave to withdraw my motion.

The motions standing in the names of Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and Mr. Bijoy Prasad Singh Roy were then, by leave of the Council, withdrawn.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 46,22,000 under the head "5.—Land Revenue" be reduced by Rs. 1,000 (to urge that steps should be taken for early reduction of landlord's fee on sale of occupancy tenancies, for the abolition of the right of pre-emption, for the early repeal of the present judicial procedure and for repeal of the enhancement provisions in the Bengal Tenancy Act).

I would be very brief, because the facts are very well known to this House, and the matter has been discussed threadbare in all its different aspects, but on one point there has not been any discussion, and that is what has been the effect of the landlord's fee and the pre-emption clauses on land transfers in Bengal. Sir, before the bar of this House I cite the Hon'ble Member in charge of Finance and the Hon'ble Member in charge of Registration and the Finance Secretary to tell us what has been the effect of these clauses on the Government revenue. It is possibly very safe at this stage to state that detailed cases are not fully well known, but those who are in contact with the realities of life in the mufassal will bear me out that in all the districts the cry has been raised that the number of transfers has fallen. The reason is obvious because 20 per cent. salami has to be paid actually cash down immediately, and secondly purchasers are shy because there is the pre-emption against them. I am not sure what are the real facts, but I believe it would be known to the Hon'ble the Revenue Member himself as to whether it is a fact that in one particular district—I think it is Mymensingh—a very large number of pre-emption cases have been filed. I am also told that there a certain zamindar has given a definite order to purchase the land whenever there is a sale.

6 p.m.

I do not know whether it is a fact but I give it for what it is worth. All the same I consider that the position is very serious and I would ask Government to set the machinery for the modification of this Act. The time is coming in the near future when, in view of the general deterioration of the condition of the soil and for other causes, Government will have to bring about relief to the agriculturists by a modification of the Bengal Tenancy Act.

I have got another grievance and that is as regards the judicial procedure. Ours is the only country in which the right of a tenant can be taken away without his being given any notice. An instance has just been cited in which although the landlords' men are said to be

always in attendance in the office of the settlement officer my gallant friend, Mr. Bijoy Prasad complained that no notice is given to the landlord. Yet he supported the law by which a man who is personally interested in a holding can be sold away without any notice. I submit that it is preposterous that the statute should contain such a provision. It is only in this country that such a thing is possible. These are the things which should be remedied at once. It is absolutely essential. And the sooner it is done the better, and if it comes later it will come with very great poignancy, but I believe that the day is not very far off.

Maulvi TAMIZUDDIN KHAN: Sir, I move that the demand of Rs. 46,22,000 under the head "5.—Land Revenue" be reduced by Rs. 100 (to criticise the manner in which the Bengal Tenancy Amendment Act is being worked, particularly with reference to the rules regarding costs of transmission of landlord's fee, etc.)

Sir, my object is to refer particularly to the rules regarding the cost of transmission of landlord's fee. Although it is apparent that the tenants are hard hit by the very provisions of the amending Act itself, we see that those provisions are rendered all the more stringent by the rules which have been promulgated by Government under the Act. Exorbitant fees have been levied as the cost of transmission of landlord's fee from the purchasers of occupancy holdings and the result is that there is now a dearth of purchasers. We find in the current year's budget that there is a falling off in receipts under the heads "Stamp and Registration." That shows that transfer of occupancy holdings has become very unpopular and the levy of exorbitant fees as costs of transmission has much aggravated the situation. In view of this I think Government should revise its rules and reduce the cost of transmission immediately so that the hardship which is now experienced by purchasers of occupancy holdings may be removed to a certain extent.

Maulvi TAMIZUDDIN KHAN: Sir, I also move that the demand of Rs. 46,22,000 under the head "5.—Land Revenue" be reduced by Rs. 100 (to criticise the attitude of Government in respect of the provisions regarding landlord's fee and pre-emption in the Bengal Tenancy Amendment Act resulting in the discouragement of free transfer of occupancy holdings and in a substantial fall of revenue under "Stamps and Registration").

Sir, every one knows how the Bengal Tenancy Amending Act was carried in this House in the teeth of opposition of those who upheld the cause of tenants on that occasion. It was pointed out how the provisions of the amending Bill if passed into law would seriously affect the rights of tenants and also would make the transfer of occupancy holdings unpopular and would reduce the bulk of the revenue which would

be disastrous to the finances of the province. It is not my object to-day to show how the raiyats have been affected by the passing of the Act because that has been discussed threadbare on occasions more than one. The order has been reversed and the sentences are removed from their proper place. I would, now, only refer to the Financial aspect of the question. Government poses to be the friend of the poor. They say that they always extend a helping hand to the poor and the miserable raiyats of the province whenever occasion arises. I would now concede all that the Government claims to be. My question now is whether it is not the primary duty of Government to look to the finances of the province. The finances of Bengal are not at all sound as every one knows and no one knows it better than Government itself. But in spite of this Government put in a provision for landlord's fee and pre-emption in the Act and as a result, Government has lost this year a large sum of money as much as Rs. 27 lakhs under the head "Stamp and Registration." On account of those provisions in the Act the transfer of occupancy holdings has become very unpopular. People are very cautious about it and people are resorting to the procedure of leasing out their holdings instead of transferring it by sale. In that way they are avoiding the obnoxious provisions of pre-emption and landlord's fee in the Act. Therefore, my submission is that the Government by passing the Act has lost in the course of a single year a big sum of Rs. 27 lakhs. The amount may go on increasing from year to year. I say the Government is responsible for this loss of revenue. It can also be said that Government which is the custodian of the finances of the province has caused a loss to the province to the extent of Rs. 27 lakhs for which Government richly deserves to be censured by this House.

Maulvi SYED MAJID BAKSH: Sir, I shall not be sounding a new note in this House. The main object of amending the Bengal Tenancy Act, we were told, was to give the tenants a right of transfer of their holdings—a power which they had not before. But in giving him this right Government introduced a provision which stands to be condemned—I mean the right of pre-emption and landlord's fee. This was a contradiction to the right of tenants, and it was as unreasonable as it was preposterous. You give them the right of transfer and at the same time you provide for the pre-emption. Previously if the tenant transferred a major portion of his occupancy right keeping a small portion to himself the landlord had no right of re-entry. This was the state of law but how have you improved it. You have compelled the purchaser or the seller to pay down no less than one-fifth of the sale receipts to the landlord. You have given something to the landlord for which he has never bargained for. The raiyat does not want to part with his laud upon which he solely depends unless he is compelled to do so, unless he is in very great need of money and you are taking away one-fifth of his sale receipts and

giving it to the landlord for nothing. It is a cruel and heartless procedure. How heartless it was for those who came forward with such a proposition. What heartless people are those who are not moved by the misery of those who are compelled to sell their lands. Sir, this question has been discussed and discussed threadbare. We have been told that after waiting for a year if we see that the operation of the Act is not very fruitful there would be a fresh amending Act.

6-15 p.m.

We do not know for how long they will see the immediate effect of it; we have seen enough of the iniquity of the Act; indeed the child was born with the symptom of death on its face.

There has been a loss of revenue to the extent of Rs. 67 lakhs and half the tenants will be starved to death before Government can take up legislation. I appeal to them to consider this point and introduce legislation as speedily as possible to annul and abolish these iniquitous systems as pre-emption and landlords' fee.

The Hon'ble Sir PROVASH CHUNDER MITTER: I am glad that my friends have given me an opportunity to explain that their supposed fear is not well-founded. In the first place I would draw the attention of my friends to what my hon'ble friend the Finance Member said, e.g., "the position is being carefully watched by the revenue authorities who administer the Act." I will now draw your attention to certain figures showing the effect of last year's transactions. I find that in registration under sections 12 and 18 of the Bengal Tenancy Act (it had nothing to do with section 26) the figures from April to December 1928, are 76,397 and the figures for April to December 1929, are 66,626, that is to say there has been a decrease of 9,771. These cases had nothing to do with section 26. Then as regards mortgages for the similar period the figure of 1928, was 4,76,503 and that of 1929, 3,29,831, so there was a decrease of 1,46,602. This again has nothing to do with landlords' fee in section 26 but it has something to do with the limitation of the right of usufructuary mortgage. Then I will refer to the figure about leases other than those under section 48H. 48H is a section under which a salami has to be paid. The figures are 2,91,159 for 1928, and 2,47,939 for 1929. So here again there has been a fall of 43,120. Speaking generally, in transactions other than those affected by section 26 the fall is roughly about 20 per cent. The fall in stamp revenue is not Rs. 27 lakhs but as explained by the Hon'ble Mr. Marr, about Rs. 12 lakhs out of about Rs. 70 lakhs. Here the figures about general depression account for a good deal. In court fees, however, there has been an increase of Rs. 15 lakhs. The figure for 1928, was 15,12,000, and for 1929, 16,62,000, but the whole of this sum of Rs. 15 lakhs is not certainly due to the Bengal Tenancy Act and the net result of all these transactions is that it is difficult

yet to come to a definite conclusion but we are following these figures very closely and watching if there is any financial loss. So far as we can gather within our limited experience the loss is largely due to causes other than section 26 but if it be due to section 26 we shall certainly look into it; the indications, however, are on the other way.

One point, that is the cost of transmission, has been mentioned by Maulvi Tamizuddin Khan and I should like to explain it in a very few words. Maulvi Tamizuddin Khan has drawn an inference from the fact that the estimated receipt was Rs. 16 lakhs but the actuals were very much less, therefore there was a loss. As the Hon'ble Mr. Marr has said and I said on another occasion it was purely guess work because in the Registration Department there was no separate figure for sale of occupancy holdings. We find, however, that there is a relation both between the fall in the receipt and expenditure. The total receipt was Rs. 4 lakhs and the total expenditure was between Rs. 3 and Rs. 4 lakhs, so the percentage of calculation is perfectly right, the original estimate being Rs. 16 lakhs on receipt side and Rs. 15½ lakhs on expenditure side.

There are other points but I do not think I can go into them as all those points were entered into recently but let me assure the House that we are watching the position very carefully.

A point was raised by Khan Bahadur Maulvi Azizul Haque that in Mymensingh there were too many cases. From the figures I find that that is not so.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and a division asked for, but at this stage the Hon'ble the President adjourned the Council for 10 minutes for prayer and announced that the division would be taken after adjournment and that the guillotine would fall at 6-35 p.m.

[After the adjournment.]

A division was taken, with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Banerji, Mr. P.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Basu Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Abear.
Choudhury, Maulvi Abdul Ghani.
Ghuznji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Haque, Kazi Emdadul.
Hesain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammed, Haji.
Mookerjee, Mr. Syamaprasad.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Rout, Babu Noconi.
Roy, Babu Haribansa.
Roy, Mr. Shanti Shekhareswar.
Sadatullah, Maulvi Muhammad.
Shah, Maulvi Abdul Hamid.

NOES.

Bakhsh, Rai Bahadur Debendra Nath.
Banerji, Rai Bahadur Keshab Chandra.
Basu, Babu Jatindra Nath.
Bose, Mr. S. M.
Cassells, Mr. A.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. B. J.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Dutt, Rai Bahadur Dr. Haridhan.
Easson, Mr. B. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sushil Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mitra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pianell, Mr. L. G.
Prentice, Mr. W. D. R.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Ray Chowdhury, Babu Satish Chandra.
Ray, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Rushforth, Mr. F. V.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Skinner, Mr. S. A.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 35 and the Noes 60 the motion was lost.

The following motions were then put and lost:—

"That the demand of Rs. 46,22,000 under the head '5.—Land Revenue' be reduced by Rs. 100 (to criticise the manner in which the Bengal Tenancy Amendment Act is being worked, particularly with reference to the rules regarding costs of transmission of landlord's fee, etc.)."

"That the demand of Rs. 46,22,000 under the head '5.—Land Revenue' be reduced by Rs. 100 (to criticise the attitude of the Government in respect of the provisions regarding landlord's fee and pre-emption in the Bengal Tenancy Amendment Act resulting in the discouragement of free transfer of occupancy holdings and in a substantial fall of revenue under 'Stamps and registration')."

The motion that a sum of Rs. 46,22,000 be granted for expenditure under the head "5.—Land Revenue" was then put and agreed to.

The time-limit under the head "5.—Land Revenue" having been reached the following motions were not put:—

Mr. K. C. RAY CHAUDHURI and Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 46,22,000 under the head '5.—Land Revenue' be reduced by Re. 1 (to discuss the remuneration of the poor settlement press workers)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 46,22,000 under the head '5.—Land Revenue' be reduced by Re. 1 (to raise a discussion about Revenue policy and also the question of insufficiency of grant)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 46,22,000 under the head '5.—Land Revenue' be reduced by Re. 1. (Paucity of Mussalman officers under the Court of Wards and also under the Land Revenue Administration.)

Mr. PRESIDENT: Gentlemen of the Council, I have received an application signed by some members of this House to the effect that the Council should not sit to-morrow on account of the Calcutta Municipal elections. I naturally wanted to know what the Leader of the House thought of it. He informs me that he has no objection to a reduction in the number of days allotted for the discussion of demands for grants from 12 to 11, if the Legislative Council so desire and his Excellency so orders. Is it the pleasure of the House not to sit to-morrow?

Mr. BIJOY PRASAD SINGH ROY: Sir, I do not think that we should agree to this. The business of the House is more important than voting at the election.

Mr. PRESIDENT: Then the application falls to the ground.

6.—EXCISE.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 22,17,000 be granted for expenses under the major head "6.—Excise."

In this connection, I would like to explain the present excise policy of the Government. It aims at a gradual eradication of the drug habit evil from Bengal. In pursuance of this policy, we have, during the last few years, adopted several deterrent measures some of which may be mentioned here, viz.:—

(1) Levy of gradually increasing rates of taxation.

(2) Gradual reduction in the number of places of retail vend.

(3) Effective control over the manufacture and wholesale vend.

(4) Regulation and gradual restriction of hours of sale.

(5) Suppression of illicit traffic as much as possible.

Sir, to be more specific we have raised the duty on foreign liquor from Rs. 9-6 in 1912 to Rs. 21-14 per L. P. gallon, and that on country spirit from Rs. 7-6 to Rs. 15-1 per L. P. gallon. The license fee and duty on ganja has been increased from Rs. 22-14 to Rs. 77-7 per seer. Duty on opium has been raised from Rs. 48-3 to Rs. 129-12 per seer.

The number of wine shops from 3,811 in 1912, has been reduced to 2,811, and those of ganja and opium have been reduced from 1,422 and 891 to 1,205 and 853, respectively.

We have reduced the hours of sale by 42 hours per week.

We have been able to reduce the consumption of country liquor from 8,51,534 L. P. gallons in 1912, to 5,83,804, and the consumption of ganja and opium has been reduced from 1,22,810 and 67,820 seers to 63,099 and 39,504 seers, respectively.

The system of settling excise shops by annual auctions has been replaced by fixed-fee system, thus removing all chances of pushing sale of drugs by the auction bidder. And lastly with a view to securing an effective popular control over the number and location of liquor and drug shops, orders have been issued quite recently to establish licensing boards with a non-official majority in every district of Bengal.

It will be apparent to the members of this Council that every endeavour is being made to reduce the consumption of drugs and to minimise the temptation of drug-taking. Eradication of the drug evil has now become an international question of the first magnitude; and the League of Nations, to which India is a party, has taken up the matter in right earnest. The League is gradually introducing world-wide restrictions which will ultimately free the world from the drug menace. The Government of Bengal have whole-heartedly entered into the spirit of this noble movement, and, Sir, I do hope that I have the mandate of this House to declare to the world that our excise policy is such and that we maintain our preventive staff at such a standard of efficiency that no other country would be able to cavil at us or suggest that Bengal is lagging behind or failing to play its part effectively in the world-wide campaign against the drug evil.

Sir, with these words I commend my motion to the acceptance of the House.

The following motion was not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 4,500 under the head '6A.—Superintendence—Travelling allowances' (page 48, Civil Estimate) be reduced by Rs. 2,500."

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move that the demand of Rs. 90,000 under the head "6A.—Excise Superintendence" be reduced by Re. 1 (to raise a discussion on the policy of vending shops).

Personally, I do believe that we cannot bring about any change in the excise policy of Government————

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Question.

Maulvi SYED JALALUDDIN HASHEMY: I am also sure that unless this system of Government is thoroughly changed and mended, however hoarse we may cry, however loudly we may speak in this privileged chamber, we cannot bring about any change. Personally I am a member of the Prevention League, and as a Mussalman I must condemn the policy of excise administration in Bengal.

As regards vending of shops, I must say, Sir, that only the other day the people of Kidderpore came to me in a body and asked me to ameliorate the condition of the people of Kidderpore. I came to learn that a shop at Watgunge has been shifted to No. 88, Garden Reach Road. I saw all the circulars and instructions and the various press communiqués issued by Government from time to time, and I also saw that in spite of the repeated requests and petitions from the people of the locality and many big European companies including the Port Commissioners and others, the Commissioner of Excise and the Commissioner of Police selected the site. The people also appealed to the Hon'ble Minister for removing the shop to Watgunge. But in spite of these facts the shop is allowed to remain at Garden Reach. Therefore, I am definite that we cannot do————.

Mr. PRESIDENT: Order, order. As the time is up, I must adjourn the House till to-morrow when you may continue your speech.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 18th March, 1930, at the Town Hall, Calcutta.

[illegible]ngs of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 18th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 111 nominated and elected members.

Oath or affirmation.

The following member took an oath of his allegiance to the Crown:—

Babu Nagendra Narayan Ray.

Starred questions
(to which oral answers were given).

Dentists and dentistry.

*77. **Maulvi SHAMSUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing the present number of qualified and unqualified dentists practising in Bengal?

(*b*) What kind of supervision is exercised over them?

(*c*) Is there any Dental Registration Act in force in Bengal?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking some measures for safeguarding the public from the unqualified and ill-trained dentists?

(*e*) Have the Government made any provision for the training of dentists in the province?

(*f*) Is the Hon'ble Minister aware of any private dental training institution?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken to help and encourage such an institution?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) Government have no information.

(*b*) Dentistry is not under the supervision of the State in Bengal.

(*c*) No.

(*d*) The problem has not yet occupied the attention of Government.

(*e*) Lectures on dentistry are given at the Medical College, Calcutta.

(*f*) Government have seen the prospectus of a Society registered under Act XXI of 1860 under the name of the Calcutta Dental College and Hospital.

(*g*) Government have expressed their sympathy with the aims of the Society.

Maulvi SHAMSUDDIN AHMED: Will the Hon'ble Minister be pleased to state whether beyond sympathising with the aims of the above institution the Government are prepared to give any practical help to it?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The answer is in the negative.

Vesting the Senior Munsif of Tangail with certain powers.

***78. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that munsifs in the Tangail subdivision have powers to try suits up to the value of Rs. 1,000 except the senior munsif who has been vested with special powers to try suits up to the value of Rs. 2,000;

(*ii*) that suits exceeding Rs. 2,000 limit have to be filed in the court of the Subordinate Judge at Mymensingh; and

(*iii*) that owing to the general rise in the price of lands most of the cases exceed Rs. 2,000 in value?

(*b*) Is the Hon'ble Member also aware of the inconvenience of the plaintiffs of small means to get justice?

(*c*) If so, are the Government considering the desirability of vesting the senior munsif with powers to try cases up to the value of Rs. 5,000?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) Yes.

(*ii*) Yes, in view of sections 18 and 19 of the Civil Court Act.

(*iii*) No.

(*b*) It is possible that there is some inconvenience.

(*c*) Under the existing law, munsifs cannot be vested with powers to try cases up to Rs. 5,000.

Unstarred questions
(answers to which were laid on the table).

Number of Moslem assistants in the Upper Division in the Local Self-Government Department.

77. **Babu HOSENI ROUT:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the number of posts of Upper Division assistants in the Local Self-Government, Public Health and Medical Departments of the Secretariat; and

(*ii*) how many of them are held by Moslems?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*i*) Ten.

(*ii*) One.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state why there is only one Muhammadan in the Upper Division in this office?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: In the Upper Division of the subordinate service there is a rule of recruitment by which 50 per cent. of the posts are filled by promotion and 50 per cent. by direct recruitment. Vacancies do not occur every year and as vacancies occur sometimes promotions are given to men in the Lower subordinate service and sometimes they are filled up by direct recruitment. As most of the officers on the top are Hindus in the case of promotion the appointments go to Hindus, but in the case of direct recruitment we try our best to get in Muhammadans and when the next vacancy occurs the appointment will go to a Muhammadan.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the gentleman who holds the post in the Upper Division was appointed by promotion or by direct recruitment?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: By promotion.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state whether the next vacancy will go to a Muhammadan irrespective of qualifications?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Certainly not.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state what he means by the promise that the next vacancy will go to a Muhammadan?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The conditions being fulfilled, the appointment will go to a Muhammadan.

Improvement of position and status of the depressed classes with regard to appointments.

78. Mr. SARAT CHANDRA BAL: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government are considering the desirability of reserving at least one-third of the appointments for the qualified candidates of the depressed classes as has been done for the Muhammadans? If not, why not?

(*b*) Are the Government considering the desirability of giving any preference to the qualified candidates of the depressed classes in Bengal and of removing the inequality in the number of posts held by members of the different communities?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) and (*b*) The whole question of giving the depressed classes greater opportunities of improving their position and status is under the consideration of Government who are at present unable to make any statement on matters of detail.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state when the Government will be able to come to their final decision on this matter?

The Hon'ble Mr. A. N. MOBERLY: I am afraid I am not a prophet.

Post of Assistant Secretary, Finance Department, Budget Branch.

79. Babu HOSENI ROUT: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to say whether it is a fact that a special post of Assistant Secretary has been created in the Budget Branch of the Finance Department and that the head assistant of that branch has been posted to it on a scale of pay which is more than what is drawn by other Assistant Secretaries in the entire Secretariat?

(b) If so, what is the reason for this differential and special treatment?

(c) Is it a fact that when the Assistant Secretary went on leave for some months, no acting arrangements were made in his place?

(d) Will the Hon'ble Member be pleased to state the justification for not making any acting arrangements in the leave vacancy of the Assistant Secretary?

(e) Are acting arrangements made in leave vacancies when Assistant Secretaries in other departments go on leave?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (a) The post of Assistant Secretary in the Finance Department was created in 1927 on the same scale of pay (viz., Rs. 500—50/2—1,000) as that of the other Assistant Secretaries who are not members of the Bengal Civil Service. Rai Bahadur D. N. Bhattacharjea, Head Assistant of the Budget Branch, was appointed to the post on an initial pay of Rs. 900.

(b) It was found necessary to offer an initial pay of Rs. 900 in order to secure the services of Rai Bahadur D. N. Bhattacharjea who was specially qualified for the post.

(c) and (d) The Assistant Secretary went on leave for 1 month and 20 days in 1928. No acting arrangement was considered necessary for this short period.

(e) Yes, as a rule.

Post of Registrars in the Bengal Secretariat.

80. Babu HOSENI ROUT: Will the Hon'ble Member in charge of the Finance Department be pleased to say what steps have been taken by Government on the recommendation of the Retrenchment Committee to abolish the post of Registrars in the Secretariat including that of the Finance Department?

The Hon'ble Mr. A. MARR: The posts of Registrar in the Revenue, Local Self-Government and Agriculture and Industries Departments were abolished. It was found necessary to retain such posts for the offices under the Chief Secretary and Finance Secretary.

Supply of uniforms to the officers of the Calcutta and Bengal Police.

81. Babu PROFULLA KUMAR GUHA: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that officers in the grades of Superintendent, Assistant Superintendent, Deputy Superintendent and assistant sub-inspectors of the Bengal Police are supplied with uniforms at the expense of the Government?

(*b*) Is it a fact that inspectors and sub-inspectors of the Bengal Police are required to pay for their uniforms?

(*c*) Is it a fact that all officers of the Calcutta Police get free supply of their uniforms from the Government?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) On first appointment, the officers of the Imperial Police Service, those promoted to it and Deputy Superintendents of Police receive an uniform allowance of Rs. 400 which is repeated every eleventh year. Assistant sub-inspectors and officers of lower ranks in the provincial police force receive uniform free of all cost.

(*b*) Yes. It is proposed, however, to give them money grants both for first kit and annual maintenance at a recurring cost of Rs. 45,710 per annum when funds are specifically provided in the budget.

(*c*) In the case of officers of higher ranks down to Assistant Commissioners it is only a money grant of Rs. 400 as stated in answer (*a*) above. To inspectors and officers of lower ranks the supply is made free of all cost.

Number of cases of theft, burglary and dacoity in village Goila, Bakarganj.

82. Kazi EMDADUL HOQUE: (*a*) Is the Hon'ble Member in charge of the Police Department aware that in village Goila in the Gournadi police-station in the district of Bakarganj, cases of theft, burglary and dacoity are daily on the increase?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement from January, 1926, to November, 1929, showing—

(*i*) the number of theft, burglary and dacoity cases committed in the said village;

(*ii*) the names of the persons at whose houses the crimes, viz., theft, burglary, or dacoity, as the case may be, were committed;

(*iii*) the number of cases in which the miscreants were brought to book;

(*iv*) the number of such miscreants;

(*v*) instances in which the miscreants escaped justice;

(*vi*) the number of them still at large?

(*c*) Will the Hon'ble Member be pleased to state whether Government have taken or intend taking any steps with regard to the miscreants referred to in (*v*) and (*vi*) of clause (*b*)?

(*d*) Will the Hon'ble Member be pleased to state whether any persons have been required to execute a bond with sureties for good behaviour during the said period under section 110 of the Criminal Procedure Code, 1898?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a list of such persons?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The answer is in the negative.

(*i*) A statement marked A is laid on the table.

(*ii*) A statement marked B is laid on the table.

(*iii*) and (*iv*) In three cases five persons were sent up.

(*v*) Two persons were acquitted.

(*vi*) One person is still at large. He is a resident of Faridpur district.

(*c*) Attempts are being made to deal with the persons referred to in clause (*b*) (*v*) under preventive sections if and when evidence is available. Evidence under section 512, Criminal Procedure Code, has already been recorded against the person referred to in clause (*b*) (*vi*) and simultaneous efforts were made to secure his arrest.

(*d*) Yes, 14 persons were required to execute bonds under section 110, Criminal Procedure Code.

(*e*) A list marked C is placed on the table.

Statement A referred to in the reply to clause (a) (i) of unstarred question No. 82.

	Theft.	Burglary.	Dacoity.	Robbery.
1926	2	8	1	....
1927	1	9	1	....
1928	1	6	..	1
1929 (up to November) ..	2	7	..	....

Statement B referred to in the reply to clause (a) (ii) of unstarred question No. 82.

Theft.		Burglary.		Dacoity.		Robbery.	
Case No.	Name of complainant.	Case No.	Name of complainant.	Case No.	Name of complainant.	Case No.	Name of complainant.
		1926.					
(1) 6, dated 18-1-1926.	Bindu Basini Devi, of Sihipasa.	(1) 11, dated 26-2-1926.	Asimuddi, of Goila.	(1) 4, dated 15-1-1926.	Rajani Kanto Banga Bash, of Sihipasa.	Nil ..	Nil.
		(2) 2, dated 11-3-1926.	Mani Mohan Sarkar, of Kaloopara.				
(2) 9, dated 18-2-1926.	Serajudi Howladar, of Bejar, police-station Lonesingh, district Faridpur.	(3) 4, dated 14-4-1926.	Lakhi Charan Chowkidar, of South Sihipasa.				
		(4) 6, dated 19-4-1926.	Rajendra Nath Dey, of Kaloopara.				
		(5) 6, dated 9-6-1926.	Nibaran Chandra Gupta, of Sihipasa.				
		(6) 7, dated 9-6-1926.	Pulin Bihari Gupta, of Goila.				
		(7) 3, dated 5-8-1926.	Lalit Mohan Das Gupta, of Sihipasa.				
		(8) 10, dated 30-10-1926.	Rajendra Lal Dey, of Kaloopara.				
		1927.					
(1) 8, dated 8-3-1927.	Montajuddin, of Jangalpatti.	(1) 2, dated 1-8-1927.	Sarada Prasanna Gupta, of Sihipasa.	(1) 9, dated 23-3-1927.	Sarada Prasanna Gupta, of Sihipasa.	Nil ..	Nil.
		(2) 8, dated 30-9-1927.	Lalit Mohan Sen Gupta, of Sihipasa.				
		(3) 6, dated 4-10-1927.	Anukul Chakrabatti, of Sihipasa.				
		(4) 1, dated 13-11-1927.	Priya Lal Saha, of Goila Bazar.				
		(5) 4, dated 16-11-1927.	Sushil Kumar Das Gupta, of Sihipasa.				
		(6) 7, dated 19-11-1927.	Abinash Chandra Karmakar, of Sihipasa.				

		(7) 17, dated 28-11-1927. (8) 2, dated 1-12-1927. (9) 9, dated 15-12-1927.	Madhu Sudan Das, of Kaloopara. Radha Raman Gupta, of Kaloopara. Binoy Bhusan Gupta, of Sihipasa.			
		1928				
(1) 1, dated 3-4-1928.	Rasik Ranjan Das Gupta, of Sihipasa.	(1) 2, dated 2-4-1928. (2) 8, dated 20-5-1928. (3) 9, dated 20-5-1928. (4) 7, dated 21-6-1928. (5) 4, dated 18-9-1928. (6) 4, dated 19-10-1928.	Uma Charan Gupta, of Sihipasa. Nil Ratan Das Gupta, of Kaloopara. Lalit Mohan Das Gupta, of Kaloopara. Surendra Nath Gupta, of Kaloopara. Nibaran Chandra Datta, of Sihipasa. Kashi Nath Bhadra, of Kaloopara.	Nil	Nil ..	(1) 3, dated 19-2-1928.	Rasik Chandra Dey, of Sihipasa.
		1929 (up to November).				
(1) 8, dated 18-8-1929. 7, dated 22-9-1929.	Kunja Bihari Das, of Kaloopara. Kartik Chandra Dhupi, of Goila.	(1) 1, dated 3-5-1929. (2) 4, dated 17-7-1929. (3) 3, dated 8-8-1929. (4) 7, dated 14-8-1929. (5) 9, dated 28-8-1929. (6) 4, dated 11-9-1929. (7) 8, dated 12-10-1929.	Chandra Kanta Sen Gupta, of Sihipasa. Jonabali, of Rampurkasi, district Majaffarpur. Guru Charan Tafadar, of Sujankati. Surendra Mohan Chatarji, Head Master, Goila School. Nibaran Chandra Das, of Kaloopara. Shama Charan Saha, of Goila Bazar. Basanta Kumar Das Gupta, of Kaloopara.	Nil ..	Nil ..	Nil ..	Nil.

N.B.—The village Kaloopara, Sihipasa and Sujankati are known as Goila.

List C referred to in the reply to clause (e) of unstarred question No. 82.

(1) Dudai, son of Umed Ali, of Sarail.
(2) Meser, son of Umed Ali, of Sarail.
(3) Abdul Samed, son of Safer Ali, of Sarail.
(4) Bahadali, son of Umed Ali, of Sarail.
(5) Jajali, son of Mafej Ali, of Sarail.
(6) Abdul, son of Mafej, of Bhubanpatti.
(7) Meser, son of Safer, of Patihar.
(8) Lehajaddi, son of Safer, of Patihar.
(9) Paban *alias* Abdur Rahman, son of Kabil Akon, of Patinar.
(10) Hachonaddi, son of Kabil, of Patihar.
(11) Hochanaddi, son of Kabil, of Patihar.
(12) Phatik, son of Panjoo, of Fulasree.
(13) Rahinaddi, son of Panjoo, of Fulasree.
(14) Pyari Khan, son of Ramjan, of Fulasree.

Manager, Bengal Veterinary College.

83. Maulvi MUHAMMAD FAZLULLAH: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the present Manager, Bengal Veterinary College, was the assistant accountant of the same office and was promoted to the present post carrying higher pay when serious irregularity was noticed in his work and the question of his removal from service was under consideration of Government?

(*b*) Is it a fact that the Principal proposed to Government for the creation of a post of personal assistant for the manager by abolishing some other posts in the College?

(*c*) Is it a fact that when the Principal's proposal to create the post of personal assistant was not accepted, the posts which the Principal recommended for abolition were not abolished?

(*d*) Is the Hon'ble Minister aware that there were various complaints against the present manager?

(*e*) If the answer to (*d*) is in the affirmative, what action, if any, was taken on the complaints?

(*f*) Are the Government considering the desirability of investigating the matter now?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) The present Manager, Bengal Veterinary College, was the assistant accountant at the College when certain defects in the accounts were brought to notice in the course of audit. The officer was promoted to his present post while the audit note was still under examination.

(*b*) Yes.

(*c*) Yes.

(*d*) Unsigned attacks have been made on this officer in the press and also anonymously through the post.

(*e*) It is not ordinarily the practice of Government to take notice of anonymous attacks on its officers.

(*f*) No. But Government are prepared to investigate any authenticated complaints received from responsible persons.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister pleased to state whether Government is aware of the fact that the Public Accounts Committee has repeatedly drawn the attention of Government to the conduct of this officer at the stage when the audit report regarding this officer was under consideration?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want fresh notice.

The Budget Grants of the Government of Bengal for 1930-31.

DEMANDS FOR GRANTS.

(The discussion under the head "6.—Excise" was then resumed.)

Maulvi SYED JALALUDDIN HASHEMY: I am not, Sir, fluent in English and I hope therefore that you will allow me to speak in the vernacular. If you allow me to speak in the vernacular, I shall be able to use all the Bengali vocabulary in saying almost everything in condemning the policy underlying the Excise Department.

Mr. PRESIDENT: Your English is good enough, Maulvi Sahib.

Maulvi SYED JALALUDDIN HASHEMY: Last night the Hon'ble Minister in charge said, in the course of his speech, that attempts are being made to minimise temptation. Sir, I shall prove to the entire

satisfaction of this House and I am sure I can say without fear of contradiction that no attempts have been made to minimise the temptation. Let me go back to the statement I made yesterday regarding the grog shop at 88, Garden Reach. I would ask the Hon'ble Minister whether he received appeals from the various big companies—I mean European companies—not to locate that shop at that place. Sir, it is a public place and the main road of Kidderpore. Can he deny that the Commissioners for the Port of Calcutta, the Royal Indian Transport Office, John King & Co., Ltd., The Steel Products, Ltd., Cox's and King's Agency, Ltd., and many respectable gentlemen and even many respectable ladies of the locality forwarded a representation through the Commissioner of Police to the Hon'ble Minister? Sir, formerly the shop was situated at 32, Watganj Road. I do not find any reason why it was transferred there, and why in spite of the appeals made by so many big firms and respectable gentlemen, the Hon'ble Minister does not find his way to change the place. Now, Sir, my point is this: that the various industrial concerns are located in that quarter of Kidderpore and surely everyone in this House will agree with me that this is a thing which offers temptations to the labouring classes particularly. I would also mention that there is also a temple of Siva near the grog shop and I know that many respectable ladies after their morning bath visit the temple. The passage to the temple is near the grog shop, which is now situated at 88, Garden Reach. I may cite another example; in my district of Khulna there is a grog shop located in the midst of a big bazar. Sir, in spite of repeated appeals to the officer in charge of the district it was not removed. I might cite another example in my own village in a remote corner of Khulna. There was a grog shop established there in spite of the repeated request of the gentlemen of the locality.

Therefore, I say that it is a systematic attempt on the part of the officials and authorities of the Excise Department to offer temptation to the drinking public. Now, Sir, the figures which the Hon'ble Minister placed before us last evening do not seem to be convincing, and I do not think they are accurate. I shall prove later on that the figures are incorrect. He said that systematic attempts are being made to reduce the consumption of drugs and liquor. I do not believe that it is so. If you, Sir, look at the Annual Report of the Excise Department for 1927-28, you will see that the consumption of foreign liquor exceeded by 5 per cent. of the total consumption of the previous year. I would ask the Hon'ble Minister to say whether the statement is correct or not. If it is correct, I would ask him whether he said that the reduction amounted to a certain number of gallons. I would also ask him whether there has been a reduction in respect of country spirit or foreign liquor. I think that no reduction is possible in respect of these articles, though there might be a reduction of some

gallons. I believe there is a motive behind this, and the motive is that after a few days, India, and particularly Bengal and at any rate Calcutta, will be swelled with foreign liquor. I do not want that

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Mr. PRESIDENT: I do not understand how you connect your arguments with the policy of vending excise shops. You must confine your remarks to that.

Maulvi SYED JALALUDDIN HASHEMY: I think I might discuss all the facts relating to this head.

Mr. PRESIDENT: No, you cannot do that.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I think it will save the time of this House and other speakers if I am allowed to do that.

Mr. PRESIDENT: Order, order. The member must confine his remarks to the policy of vending excise shops.

Maulvi SYED JALALUDDIN HASHEMY: All right, Sir. In reply to question No. 40 put at this session I found to my utter surprise that some Moslems had taken out licence of some excise shops in Calcutta and its suburbs for selling wine and other kinds of liquor. To my further surprise I found that many B. A.'s, B. Sc.'s, M. A.'s, and M. Sc.'s have taken licence of such shops in Calcutta and its suburbs. This morning some Mussalmans came to me probably because I have taken up this subject, and asked me to press on this House to see that some more shops be given to the Moslems. Of course, I told them that I would be the last person to do anything of the sort on their behalf. I plainly told them that if they wanted to earn money anyhow, they might start some brothels in this city. I think that no conscientious Mussalman should sell wine or any liquor in Calcutta. I do not know for how long the hon'ble members of this House are going to tolerate that the best products of the University, viz., B. A.'s and M. A.'s should be trading in wine. I appeal to them and ask how long this state of things should be allowed to go on————

Mr. PRESIDENT: What are you driving at? Do you urge any alteration in the policy of vending of excise shops?

Maulvi SYED JALALUDDIN HASHEMY: I am making an appeal now and then I shall suggest alterations. Sir, I ask in all seriousness the Hon'ble Minister in charge of this Department whether the trade that is carried on by the Government and its agents is immoral or not.

I would also ask him whether he is going to accept the policy which has been urged on the floor of this House about total prohibition———.

Mr. PRESIDENT: Order, order. The matter of total prohibition is not within the province of your motion. You had better stick to the policy of vending excise shops; that is what you wanted to discuss.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I am doing that. There is another thing that I would like to point out. I think the Hon'ble Minister knows, and knows very well, that in front of the place where the Congress Office is located there is a grog shop.

MINISTER in charge of EXCISE DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): I do not know that.

Maulvi SYED JALALUDDIN HASHEMY: I think he should know that there is a grog shop just in front of the Congress Office in Bow Bazar Street. I may further enlighten him that this place is surrounded by houses of women of ill-fame, and every now and then, from morning till 8 p.m. at night, these women resort to this place and make all sorts of ugly shows; and I believe it has come to his knowledge that some applications were made by prominent Congress people for its removal to another place. I think there are about 6 or 7 such shops in that locality. Up till now there has been no response to that application. I do not know how long this sort of thing should be tolerated. When the people of my village came to me to have the shop in my village removed by making a representation, I refused to do so. I told them plainly that it was not my business to make petitions to Government, but that it was my business to stand before the gate of the shop and ask people not to purchase anything from that shop and thereby paralyse it. I did so in the year 1921. I am proud to declare that the daily sale in that shop in the district of Khulna was Rs. 350 and I reduced it to only Rs. 3. I allowed nobody to purchase anything from that shop. I think the youth of Bengal will one day throw all the casks of wine into the Bay of Bengal or at least into the Ganges. The time has come when this policy must be changed. If the Government do not take proper care in proper time, they will have to repent. If I have any voice with my countrymen I will ask them in all seriousness to start civil disobedience, as Mahatma Gandhi has done———

Mr. PRESIDENT: Order, order. You are again going beyond your limits. In giving your reason for bringing forward this motion, you stated that you wanted to criticise the policy of vending excise shops. You have merely complained of some excise shops in certain localities. You have not been able to say how these shops came to be there and how the policy of the department was concerned with them.

Maulvi SYED JALALUDDIN HASHEMY: When I speak outside, I am known to speak as a seditionist.

Mr. PRESIDENT: You are again persisting in irrelevance.

Maulvi SYED JALALUDDIN HASHEMY: I thought that I was privileged to speak so in this Chamber. However, I shall obey your ruling. I was telling all these things only for the purpose of condemning this department, because not a slightest move has been made by that department to minimise the temptations to the public. I would ask the hon'ble members of this House to see the locations of the grog shops in Calcutta and other places in Bengal; and if they see them, they will realise that they are located in such places as the public attention can very easily be drawn to them. Therefore, my suggestion to the Hon'ble Member-in-charge is that after so much discussion Government should accept the policy of prohibition altogether and start experiments say, in 3 or 4 districts and see what the result is.

Mr. PRESIDENT: You are again going beyond the limits. If you persist in doing so, I am afraid I shall have to ask you to resume your seat.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I told you at the outset that I cannot speak English fluently———

Mr. PRESIDENT: In order to give you an idea as to what the debate ought to be I better tell you that when a member desires to criticise a particular policy of a particular department, it is his duty to state what the policy is. His next duty is to point out the defects of that policy and then to suggest remedies; but you have done nothing of the kind. If you still persist in irrelevance, it shall be my painful duty to draw the attention of the House to it and ask you to resume your seat.

Babu JITENDRALAL BANNERJEE: May I ask whether in speaking on the matter of vending shops one cannot bring in the question of total prohibition?

Mr. PRESIDENT: In that case your reasons on the basis of which your motion was admitted should have been much wider and you ought to have indicated that you wanted to plead for total prohibition.

Maulvi SYED JALALUDDIN HASHEMY: It is owing to my deficiency in language I have done so. Had I been allowed to speak in Bengali I would have been able to touch very well on all the points.

Mr. PRESIDENT: I think you had better conclude your speech.

Maulvi SYED JALALUDDIN HASHEMY: I shall resume my seat.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, I have already given a short review of our policy in my opening speech, and I am grateful to the hon'ble mover for giving me an opportunity further to explain our policy about the vending of excise shops. But, before I proceed to do so, I would like to refer to a statement made by the hon'ble mover. The hon'ble mover has laid special stress on some individual cases in Calcutta where he thinks that full justice has not been done by the authorities granting licences. I am afraid, Sir, I am not prepared to take up individual cases on the floor of the House. There are about 6,000 excise shops, and it is impossible for a Minister to know everything about all of them. I can only discuss such grievances where something grossly reprehensible has been done. I can, however, assure the hon'ble mover that if he will kindly come to my office, as he often does, and place the facts before me I will look into them personally and see that the grievances are redressed.

3-30 p.m.

But with reference to the shop at Garden Reach I might tell the House that the case came up to me for revision. I was then new to the office and with the zeal of a new comer and an enthusiast I took the matter up in right earnest. I had the matter especially enquired into by the Licensing Board and the Excise Commissioner and I personally went to the place. I am a Hindu, also a worshipper of Shiva and I might tell the hon'ble mover that I found nothing wrong in the settlement of the shop there though there is a Shiva temple in the neighbourhood. Sir, on the spot it appeared to me that the whole thing, all the tall talk about the grievances, was got up by interested parties. Had I not known the hon'ble mover in the way I know him, I would have thought that he too was an interested party. Then, Sir, he has referred to some incorrect statements made by me. I admit that the consumption in 1927 went up by 5 per cent. There is nothing strange in such slight variations from year to year. If you are to judge the effect of Government policy you must judge it by the figures of a number of years and judged by that standard our policy is the gradual eradication of drug evil from Bengal.

Now, Sir, though the hon'ble mover has not placed before the House the existing conditions in the matter of vending shops and how he wants to reform them, I might tell the House something about our policy. From experience in Calcutta and four other important districts

of Bengal Government have come to the decision that a more stringent and popular control should be introduced for the granting of licences. Government have, therefore, issued orders, quite recently, that Licensing Boards with a non-official majority shall be constituted in every district of Bengal. These boards have been vested with the power of determining the number and location of excise shops in their respective districts. They have been authorised to abolish existing shops wherever necessary and they are prohibited from increasing the number of shops beyond the number existing in 1926. Their decisions are practically final, being subject only to the revision by the local Government in exceptional cases. Sir, though it is an old story now, it might bear repetition that another great and important change in the policy of vending of excise shops is the replacement of the auction system by a fixed-fee system. Formerly the shops used to be given to the highest bidders. The baneful results of such a system are too obvious to require further mention now. Under the present fixed-fee system a vendor has to pay a fee fixed for the specific quantity of drug sold by him. The fee is levied on a sliding scale; as for example a wine shop licensee has to pay Re. 1 for any quantity up to 5 gallons of wine sold by him but if he sells 20 gallons he has to pay Rs. 26 as duty, and Rs. 166 if the quantity sold by him amounts to 100 gallons. The main objects of the fixed-fee system are the following:—

(1) to eliminate the speculative element from the business as far as possible;

(2) to enable Government to regulate and control the consumption of intoxicants;

(3) to solve the very difficult question of unequal taxation on liquor and drugs; and

(4) to improve the standard and tone of the working of the liquor and drug shops throughout the Presidency by insisting on personal management by the licensees themselves as far as possible, and by introducing a better and more educated class of people, able to understand and carry out the various rules and regulations of the department.

With a view to carry out these objects it was necessary to lay down the principle of "one man one shop" from the beginning and that in all new settlements a better class of men should be introduced with a view to gradual rise of the standard and tone of the work in the shops throughout the province. These have been gradually given effect to and the principle of "one man one shop" has been brought about practically throughout the province except only in the case of some foreign liquor firms in Calcutta. The main objects of the Government have, I submit, been fairly and satisfactorily fulfilled.

Now, Sir, I come to the selection of licensees. Every year in February and March a complete list is prepared in each district showing the names of the shops with the nature of the offences, if any, committed by them in the course of the year together with the Superintendent's remarks, if any, regarding the conduct of each licensee. The list is put up before the Collector and the Collector passes orders in which cases the licences should be renewed with the existing licensees on account of the satisfactory management of the business throughout the year and in which cases the licence should not be renewed on account of the unsatisfactory conduct of the existing licensees. After these orders are passed applications are called for regarding those licences which are to be resettled with new men and on receipt of such applications a list is prepared by the Superintendent of Excise and submitted to the Collector for selection and orders and the applicants are called by the Collector for an interview. The same procedure regarding invitations, applications and selection is followed whenever any licence falls vacant in the course of the year on account of cancellation. Sir, these licensees are selected personally by the District Magistrate and for his guidance we have laid down the following main principles: In making the selection educated men of good character and in search of employment should be selected. Candidates who have other means of subsistence should not ordinarily be selected. Qualifications and conditions being the same a candidate with higher educational qualifications should, whenever possible, be given preference over others. The gross monthly profit of the educated licensee should be taken into consideration when selections are made. Applications for better licences of existing licensees who have conducted their business satisfactorily should be given due consideration when vacancies arise. If there are suitable Muhammadan candidates every second licence should be allotted to a Muhammadan and in cases where Muhammadan candidates would not come forward in sufficient number for liquor shops they should be given preferential treatment for drug shops. These are some of the rules laid down by Government for the guidance of Collectors. In short I might say that we have elaborate rules drawn up for the guidance of officers in the matter of selection of the licensees. It would be boring to the House if I go into the question in greater detail but if my hon'ble friend would kindly come to my office I shall be very pleased to place all informations at his disposal. In this connection I should say that under the able guidance of the late Nawab Bahadur Syed Nawab Ali Chaudhury, Khan Bahadur, remarkable improvements were effected in the matter of granting excise licences and great credit is due to our officers, particularly to Mr. Moberly—now the Hon'ble Mr. Moberly, Vice-President of the Executive Council—and Mr. Hogg who, as Excise Commissioners, have practically overhauled the whole system of excise administration in Bengal... I admit that there has been some setback during the last few years presumably

owing to the absense of Ministers but I hope now it will be possible for your new Minister, if he is allowed to stay here, to work out the policy laid down by the late Nawab Bahadur and introduce further improvements in the light of criticism offered by my esteemed friend.

Mr. PRESIDENT: I am afraid I made a mistake in not having one discussion on motions Nos. 21 and 22, for they are very much alike. But the fate of the one will govern the fate of the other. So, no injustice will be done if, at this stage, I give Kasi Emdadul Hoque a chance to speak on the motion now before the House. He need not move his own motion.

Kasi EMDADUL HOQUE: I do not like to move my own motion but would rather speak in support of the motion moved by my friend Mr. Hashemy. He has elaborately discussed the points I wanted to raise in this connection and I think I need hardly say anything more but still I will try to say something in my own way.

Speaking on a similar motion on the floor of this House on a former occasion I said that India was a land of Sadhus and Sannyasis, Pirs and Fakirs but since the inauguration of British rule in this country she has become a rendezvous of Satans and devils. And so far as the Excise policy is concerned, I repeat the same thing here to-day with all the vehemence at my command, because the people of India are not allowed the opportunity of practising asceticism nowadays. So when a temptation is placed before them they yield to it because they are not angels but human beings. Not only the richest class among us, I mean the aristocrats, who claim to be the most civilised people in this country, not only they have shown this lapse but even the poorest class, the people who occupy the lowest rung of the ladder in our society, viz., *moochis*, *chamars*, *domes*, *mehtars* and the like, they also have fallen victims to this vicious habit. In course of our daily experience we find that *mehtars* in the employ of municipalities, as soon as they get their month's wages, go to liquor shops, and there spend up to the last farthing on liquor and other excise articles. Now, how to check this vicious habit that has become so dominant a feature in our people nowadays? Government have come forward with a chain of arguments in support of their policy instead of checking this evil. It is very entertaining and refreshing to hear the Hon'ble Minister announce before this House—this august body—that Government are taking measures to this end and that gradually. But, Sir, Government stand self-condemned. Government admit that drink and drug evil is a social evil and that they want to eradicate it. Government have kept the machinery to punish offenders and to bring offenders to book but here the Government themselves are the offenders but what steps have they taken to condemn their own actions?

It is said that Excise Licensing Boards have been created in almost all districts and they have been invested with powers to control excise licences, but I beg to submit that excise licensing board's decisions are not always respected by the Excise Commissioner. Their decisions are subject to the approval of the Excise Commissioner. In my own district, Sir, there is an Excise Licensing Board of which I am a member. I and other non-official members have been trying our best to abolish certain excise shops in our district but all our attempts hitherto proved of no effect. I understand that in one or two instances the Superintendent of Excise was brought to book by the department simply because he did not oppose the proposal made by us. He was chastised by the department and asked to introduce the matter again at the next sitting of the board. This year also we recommended the abolition of certain excise shops and I learnt only recently from the District Magistrate, whom I happened to meet only some time ago, that our recommendations were partially considered by the Excise Commissioner but then every year the Excise Superintendent comes forward with new proposals. This year two or three shops were abolished according to our recommendations but as many as 6 or 7 new shops were established in their place. So the apparent reduction of excise shops was more than compensated for by the establishment of new shops. So I say that Government's provision to take measures to check this evil may be a pious wish never to be fulfilled. If they really think that it is a vice, that it is a crime, it should no longer be allowed to continue in this country. Government must make penance for the crime they have already committed by undergoing the sentence of fasting, which is the order of the present day, and then put forward drastic legislation to prohibit the use of liquor by prohibiting the use of excise articles.

The following motion was then put and lost:—

"That the demand of Rs. 90,000 under the head '6A.—Excise—Superintendence' be reduced by Re. 1 (to raise a discussion on the policy of vending Excise shops)."

The following motion was not moved:—

Kazi EMDADUL HOQUE: "That the demand of Rs. 90,000 under the head '6.—Excise—Superintendence' be reduced by Re. 1 (policy of encouraging Excise shops)."

The following motions were called but not moved:—

Maulvi SYED JALALUDDIN HASHMEY: "That the demand of Rs. 47,000 under the head '6B.—Excise Bureau' be refused."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 79,000 under the head '6C.—Presidency Establishment—Pay of Officers' be reduced by Rs. 6,000."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 16,220 under the head '6C.—Presidency Establishment—House rent, etc.' be reduced by Rs. 13,950."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 21,000 under the head '6C.—Excise—Presidency Establishment—Rewards to private persons' be refused."

Mr. P. N. GUHA: "That the demand of Rs. 2,12,000 under the head '6C.—Presidency Establishment' be reduced by Rs. 100 (to raise a discussion about the settlement of shops by the Collector of Calcutta)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 2,11,600 under the head '6D.—District Executive Establishment—Pay of Officers' be reduced by Rs. 76,600."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 8,19,000 under the head '6D.—Excise—District Executive Establishment' be reduced by Re. 1 (on the ground that it is a bad policy to encourage the drink evil and intemperance in the people)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 37,000 under the head '6E.—Distilleries—Allowances, etc.', be reduced by Rs. 7,000."

Mr. PRESIDENT: I will have one discussion on motions Nos. 31 to 35.

The Hon'ble Kumar SHIB SHEKARESWAR RAY: Up to No. 43, Sir, if you do not mind; because they refer to the same demand and I might make one reply to them.

Mr. PRESIDENT: I will put them separately but you can have one discussion on them as you want.

Maulvi SHAMSUDDIN AHMED: I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 22,16,999. Sir, only a few minutes ago my friend Maulvi Jalaluddin Hashemy was speaking on the policy of having excise shops but he was asked to stick to the policy involved in giving out shops to individuals and others. But my motion is to condemn the whole policy of Government in asking the people to drink liquor as abominable, contemptible and unworthy of any civilised Government on the face of the earth. I know, Sir, that our Government is not responsible to the people, they do not care what the people do want

or do not want, they pay no heed to what we propose in this Council or outside it. It is given out that we live under the Government as wards live under the guardianship of their trustees. Probably that is the reason why this Government have taken upon themselves the benevolent duty of educating the people of this country in the art of drinking wine. I find in the budget estimates that Government get annually Rs. 2,28,00,000 out of their excise policy. So far as I can see from the grants under this head Government have asked for an expenditure of Rs. 22,17,000. If we deduct this amount from the income it will leave a total income of Rs. 2,05,83,000, to Government.

4 p.m.

I say, Sir, you have no right to ask us to drink wine to get money from us for running the administration. You may or may not run the administration, you may go bankrupt, but you have no right to ask us to drink wine and thereby bring money to your coffers. Just now, Sir, it has been said that Government or rather the Excise Department ask people to take excise shops. Sir, you were pleased to observe that you did not understand the trend of the speech of my friend Maulvi Syed Jalaluddin Hashemy as regards vending of excise shops. It seems to me that we should drink wine and at the same time obey the laws promulgated for the maintenance of law and order.

Mr. PRESIDENT: What are you driving at, Maulvi Sahib?

Maulvi SHAMSUDDIN AHMED: I shall make myself clear presently. I know that the excise policy of Government has been responsible to a very great extent for increasing the number of crimes in this country. People get drunk, become disorderly, and there is another department of the same Government which catches hold of the people, takes them to the police-station, and hauls them up before a court of justice, and say you fellow you drink too much wine, pay some money to the coffers of Government and go away. So even in the matter of administration of justice the policy of Government stands self-condemned. We know of many Acts of this Government which are injurious to the interests of the people: for example we have the Excise Act, the Opium Act, the Salt Act, and so forth.

Mr. PRESIDENT: Where do you find in the Act asking people to drink? (Laughter.)

Maulvi SHAMSUDDIN AHMED: I know, Sir, that the Act does not require people to drink, but I know, Sir, that Government in a way ask us to drink wine inasmuch as they grant licences to people for the vending of wine. Is it one of the functions of a civilised Government to ask people to take out licences for the opening of excise

shops, and thus encourage people to drink wine as much as they can, so long as they pay money? Sir, that is the reason why I am saying that the whole policy of Government is vicious, and the Excise Act is one of a series of Acts which have brought ruin to the character and morality of the people of this country. This is one of the Acts: we have again the Salt Act————

Mr. PRESIDENT: Order, order. You need not refer to that.

Maulvi SHAMSUDDIN AHMED: As a Mussalman, I stand on the floor of this House and ask of this Government whether or not it is its duty to know what the tenets of Islam are, and whether it is justifiable on the part of Government to ask its own subjects to take shops for the vending of drugs. Just now, Sir, the Hon'ble Minister was very kind to illuminate us on certain points. I was very glad to hear the Hon'ble Minister giving us very valuable information. It is that in one department of Government., viz., the Excise Department, the Government have given 55 per cent. of the appointments to Mussalmans. He also added that the policy of Government in the matter of issuing licences for excise shops was to grant them to educated men and men of character. But I submit that the moment an educated man gets a licence, he loses all that is best in him. Sir, I cannot thank the Hon'ble Minister for giving us the information. He has told us that he is a Hindu, and I believe he is a Brahmin too. I also know, Sir, that one of the leading Mussalmans of this province, a Mussalman of an aristocratic family and a Saiyid too good, was very graciously put in charge of the Excise Department. The Hon'ble Minister was referring to the very many good acts done by the late Nawab Bahadur Saiyid Nawab Ali Chaudhuri, of Dhanbari. No one in this House can but very severely condemn the policy of Government in asking people to drink wine freely. I hope, Sir, the Hon'ble Minister will take note of the fact that we on the floor of this House very much protest against the action of Government in granting licences to youths of the country who are in want. I know, Sir, that people are in want. But what is the reason behind the policy of Government. The policy of Government perhaps is to hold out these inducements to these young men, so that they would become loyal subjects and take out licences for drug shops at the expense of their own character.

Sir, we hear in these days of civilisation that in other foreign countries—countries which are in the forefront of nations—the system of prohibition has been adopted. I refer particularly to the United States of America, which has prohibited absolutely the drinking of wines, etc. I do not understand why in a country which is inhabited mostly by Hindus and Muhammadans prohibition should not be enforced, since the religions of both the communities forbid the partaking of liquors.

Why should they be asked by a benevolent Government to drink wine, which will not only demoralise their character but ruin their physique also? In this connexion, I may mention that this excise policy of Government is not only ruining the intelligentsia of the country but is also bringing appalling havoc on the poor labourers in the mill areas. It is very well known that after the labourers come out of the mills fatigued and tired, they immediately go to these grog shops, and whatever they earn they spend in these shops. I do not know if it is one of the duties of a civilized Government to see that this sort of ruination of the purse and physique of the labourers of the country is caused by the policy of Government.

Sir, as I have said, whatever resolutions we pass in this Council, howsoever strong our condemnation may be, the resources of Government are large enough to undo or nullify any good legislation that may be passed by this House. I say that the whole system of administration is absolutely rotten to the very core, because it is not responsible to the people and does not pay any heed to the petitions of the people.

As mentioned by my friend Maulvi Syed Jalaluddin Hashemy, referring to the excise shop which has been located in Garden Reach, the people have petitioned Government, the mill owners, the factory owners, the Europeans have all petitioned Government to remove the shop but all in vain. Sir, I do not understand what is behind the policy of Government in not hearing the petitions of the people. I think, Sir, it is because Government feels itself very strong, because Government is not responsible to the people, it does not pay any heed to the petitions of the people. I realise that so long as this system of administration is not overhauled, so long will the Government indulge in this sort of policy. Questions of income and expense will come in always. A system of administration, which is vicious from the top to the bottom, has been thrust upon us, and that is the reason why in spite of our protests Government pay no heed to our demands. Sir, I do not want to take up much more of the time of this Council. I say that it is time that Government pay heed to the entreaties of the people. It is high time that Government do away altogether with their present excise policy. It is time that this sort of making money out of poor people are given up.

Mr. J. CAMPBELL FORRESTER: Is it a fact, Sir, that Government do ask the people to drink?

Mr. PRESIDENT: I have told the member that there is nothing in the Act which invites people to drink. It is not for me to dispute his opinion. He is at liberty to entertain any opinion he likes regarding the excise policy of Government; but I may say this that he is absolutely wrong in saying that the Act invites people to drink.

(The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Hear, hear.)

Maulvi SHAMSUDDIN AHMED: I maintain still, Sir, in answer to my European friend over there that it is up to the Government, if it is known that drink really affects the morals, purse, and health of the people, to close the excise shops. If I know anything of relevancy, I can in the circumstances very well say that Government ask the people to have recourse to drinks.

Mr. PRESIDENT: You are at liberty to entertain any opinion you like, but when you say in definite terms that the Act or the Government directly ask people to drink, you certainly go beyond the limits of a reasonable debate.

(The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Hear, hear.)

4-15 p.m.

Maulvi SHAMSUDDIN AHMED: Everybody knows, Sir, what happened in the year 1921. If the Government does not realise even now its own duty, the people themselves will take the law into their own hands and will try to show to Government that they themselves can stop this evil.

Without taking more time of this Council I commend this motion by saying that if the hon'ble members of this House really feel that they represent the wishes of the people, it is time that they should vote down the policy of Government and pass this reduction motion of mine.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 1,000 (to raise a discussion on the excise policy of the Government).

Sir, it seems to me that so far as this matter is concerned Government is rather an object of sympathy and pity. We know that in the present state of finances Government cannot do without the large revenue that it draws from this department. But I cannot approve of the policy of Government in this respect. There seems to be a good deal of shilly-shallying on the part of Government so far as its excise policy is concerned. Government seems to admit that prohibition is a good thing and that the drink evil is an evil which should be eradicated if possible. But the Government is culpably lagging in coming to a conclusion that prohibition should be its policy. It is sometimes said that there is no knowing when Government will think it possible to adopt such a policy. Possibly Government seems to be reluctant to be frank on this subject. It is not possible for Government to think of a time when it will accept prohibition and they cannot plainly say so. The House should take whatever steps it thinks proper under the circumstances. But on the other hand Government seems to give

us false hopes that its goal is prohibition. We do not understand if Government would ever accept prohibition as its policy. Government could very well declare the policy of prohibition. Sir, it is not my object now to enter into a detailed discussion about the merits of the policy of prohibition. Of course it is not possible for Government to arrive at complete prohibition within a short time. It will take years and, I think, long years, to come to that stage. But I do not see any reason why should not a policy of prohibition be declared now and by gradual steps the stage of complete prohibition be arrived at. With these few words I beg to move the motion.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 100 (to discuss the Government policy regarding prohibition).

I shall be very brief. We heard yesterday with great interest the speech of the Hon'ble Minister giving figures showing the diminished sale of alcohol, ganja, etc. This is satisfactory, so far as it goes, but we want much more. For the whole country—Hindus and Moslems, Congressmen, Nationalists, Independents, etc.—all want total prohibition. Their Scripture all enjoin it. Their manners and customs are based upon it.

As I have said, every body wants prohibition, not as a dim and distant goal (as the Diehards would like Dominion Status to be), but immediately. I need not elaborate the cogent arguments in favour of prohibition. That alcohol, especially in the Tropics, is unnecessary, and that here its use is likely to lead to various diseases, is, I maintain, beyond controversy. That alcohol is a poison to be strictly controlled like cocaine or strychnine, I maintain, is beyond controversy. That alcohol is more than a poison, it is a racial poison, affecting the health of future generations, is, I maintain, also beyond controversy. That being so, the question is why does not Government listen to the voice of the nation and bring in total prohibition? Surely the reason cannot be that Government is mostly run by Scotchmen—and we all know how proverbially they are fond of drink. I now turn to the stock argument: what about the drink revenue? Can Government be run without this revenue? Sir, I lay stress on the self-evident proposition that the stoppage of drink will at once improve the health of the present and future generations. There will be less illness, and more efficient labour; wages will thus go up and so will be standard of living. The higher income will mean better surroundings, better housing and so improvement all round. The people will, therefore, pay more indirect taxes for various commodities and luxuries. It is, I maintain, a wrong to raise income by undermining the health and stamina of the people. It is not necessary for me to elaborate the point which no body will venture to contradict. Now, I must refer

to a remarkable exposition of the Government policy made so late as the 18th of March, 1929, by Mr. G. P. Hogg, lately Commissioner of Excise (Council Proceedings, Volume XXXI, No. 3, page 143). This is what he said: "They (Government) take the view that time is not ripe for such a decision (total prohibition), and that time would only come when the consuming classes are so reduced in number as to be negligible or when the force of public opinion behind the movement is so strong that illicit sources of supply would be impossible. That time has not yet come in Bengal."

I say this is a remarkable exposition. First, Government supplies unlimited drink to an unlimited number of people (provided they are prepared to pay), and then Government expects the consuming classes to be greatly reduced in number! How this remarkable feat is to be achieved is a mystery which only Government can explain. No, we decline to accept the policy laid down by a "benevolent" Government to wait till Doomsday. We demand that a time-limit is to be fixed say, 10 years, after which there will be no drink supply. Every year the Government is to diminish gradually the total supply of spirit, etc., sold. There should also be introduced the system of local option or really representative licensing boards. I should add that what I have said about drink applies equally to opiates.

Sir, after all, Government are not the masters, but the servants, of the people. They exist to carry out whatever promotes the good of their masters. We, the representatives of their masters, demand that Government shall stop drink. But, by irony of fate, it is *we* who are the servants—and it is they who are our masters! But, we are determined not to allow drink traffic to continue. In the struggle between man and man, between nation and nation, victory goes to the sober. If India is to take her rightful place among nations, she should banish the drink evil. With these words I commend the motion to the acceptance of the House.

Maulvi SHAMSUDDIN AHMED: May I suggest that the movers of items Nos. 36 and 38 be asked to move their motions now?

Mr. S. M. BOSE: I will not move No. 36.

Babu JITENDRALAL BANNERJEE: I may point out that items Nos. 37 and 38 are special questions dealing with the matter of duties of alcohol used for indigenous perfumery. Therefore, I think, Sir, the Hon'ble Kumar evidently thinks that motions up to No. 41 cover practically the same subject.

Mr. PRESIDENT: That point has already been decided. No harm can be done if the motions up to No. 43 are taken together and the Hon'ble Minister allowed to make one speech on them. The motions

in any case will be separately put. With regard to No. 38, it need not be moved if No. 37 is moved. In that case, Mr. Bose may speak on No. 37.

(At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.)

Maharaja JAGADISH NATH RAY, of Dinajpur: Mr. President, Sir, belonging as I do to that much maligned section of the people, known as zamindars, it is with some hesitation that I rise to give support to my friend's motion. The hesitation is due only to the prevailing atmosphere in the Council where our ultra-patriots have thought fit to carry on a verbal crusade against the zamindars. We heard a lot of abuse even yesterday. But our friends must not forget that the zamindars too are human beings—they too have fine feelings and humane sympathies. They know that with the well-being of their tenants and raiyats their own interests are vitally concerned. They are aware that even the city labourers are none but a portion of their own men who contribute to the revenue income of their landlords. And it is on account of this relationship and more that zamindars have always looked upon the spread of drink evil as a menace to their own interests.

Maulvi SHAMSUDDIN AHMED: May I ask, Sir, what the zamindars have got to do with this question?

Mr. PRESIDENT: You ought to have patience—the Maharaja's remarks about the zamindars may be merely introductory.

Maharaja JAGADISH NATH RAY, of Dinajpur: The zamindars are averse to tall talk but I cannot think of any sane zamindar who does not actively try or even wish in his heart of hearts to keep their tenantry miles apart from grog shops.

The Hon'ble Kumar Sahib brought in his motion with many good words. He reassured us that Bengal would not lag behind the world movement inaugurated by the League of Nations. He has told us that every endeavour is made to reduce consumption of drugs and minimise the temptation of drug taking. These are all good things if they are really carried out in practice. The country is not prepared any longer to rely on promises and hopes. Where is the appreciable sign to convince the prohibitionists that genuine attempts are being made to eradicate the drink evil? The zamindars, Sir, cannot be revolutionaries in any of their undertakings—be it social, political or economic. They cannot support a policy of "total prohibition," but knowing as they do that the drink has been ruining their tenants, it is nothing extraordinary that they too feel that some drastic step

must be taken at once in this direction. Our apprehension is great, and not unreasonable, that owing to the economic state of the Government they cannot do much in that which will further reduce their revenue. But the responsibilities of the Government are stupendous and they must not sit tight on the plea that the money question stands in their way. They must not be instruments to turn men into brutes or poison the whole country for pecuniary gain. They have got under their charge the dumb millions by the will of the merciful Providence, not to dehumanize them or to make them paupers. They ought to know that the insolvent condition of the people is sure to make the Government insolvent in the long run. The revenue *kist* of the zamindars is ahead, and I appeal also to my brother zamindars to think how year after year they feel the strain at about this season of the year. There are a thousand and one temptations before our people to squander away their hard-earned money, a part of which is to be paid to their landlords for meeting the demands on the latter's purse. The countryside is, of course, still in a much better and cleaner state so far as this evil is concerned. But the country-folk too are being fast infected. The *ganja* has spread a larger domain in the mufassal and there is nothing to choose between one drug and another.

Sir, I do not want to bore my friends with a theoretical disquisition on the evil effects of drinking or drug-taking. Neither opium-eating should be supported on the excuse that the liberty of individuals would be interfered with thereby, nor alcohol-drinking should be countenanced on the false plea of that poison being a kind of refreshment. Let some immediate step be taken—let the Government arrange the registering of the hardened drug-takers and show some such action with regard to alcohol as well, which might justify the position of the Government that are bent on at present to prove themselves beneficient to the people. It is not with any intention of criticising the work of the Hon'ble the Kumar Sahib that I support the token cut, but I feel it necessary under the present circumstances of the country to emphasise the policy which, I hope, we, one and all, desire to be immediately taken up by the Government.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 100 (to urge the acceptance of a policy of prohibition to be given practical effect to in course of a fixed number of years, and as the first step towards the measure, the immediate reduction in the number of excise shops in labour areas and in areas generally affected by distress).

Sir, I consider my motion to be the very moderate dose which the prohibitionists can put forth before Government as a practical resolution. I do not think any greater condemnation can come on the

present excise policy of the Government than the question put by the Right Hon'ble John Wheatley, the Chairman of Royal Commission on Labour, when he asked the representative of the Government of Bengal: "Do you call these grog shops in labour areas to be welfare works?" I think that question is significant enough and the time has come when we must look up from a different point of view than we have done in the past. We know the financial difficulties of the Government of Bengal, and I do not think there is anybody in the House, be he a revolutionary or a non-revolutionary in his views, who will say that it is possible to do away with the evil by a stroke of the pen. But, Sir, it is no use telling us that we are the signatories to the League of Nations. The ideal before the world has been put forward centuries ago. We know that India is a signatory to the League of Nations which is pledged to the policy of prohibition, but we have yet to see what practical steps have been taken. I am quite willing to see that Bengal should be taxed to the extent of the full amount of excise revenue. Whether that is a practical suggestion or whether it would be possible to devise some other measure of taxation or you will be able to get a substitute so far as finances are concerned—it is a matter for discussion. I have in my motion put before Government a suggestion for accepting a policy of prohibition, and secondly that Government must say that the ideal will be reached within a definite period. What that definite period should be is a matter to be determined by the Minister in consultation with the leaders in the House. I think it is the duty of the Minister, who is a representative of the people in the Government, to consult the wishes of the different sections of the House with a view to put forth a practical suggestion. I ask the Hon'ble Minister to say whether he is prepared to consult the leading members of the House with a view to get a practical suggestion as regards prohibition. The question of immediate reduction in the number of excise shops in labour areas is a matter that requires early consideration. Then, there are districts in Bengal which can be said to be chronic distressed areas—I am speaking of Birbhum, Bankura and such other districts. Is the Government prepared to see that some control, some sort of prohibition, is exercised, not merely dependent upon the theory of higher prices and therefore less consumption? We want something tangible to be done. I was calculating the total amount of consumption of pachai alone in certain districts in Bengal, and you will be astonished to hear that the consumption is Rs. 2 per head. This matter requires serious consideration not only on the part of the Government of Bengal, but also of the people generally. I therefore. put this very moderate motion with a view to get it accepted by the Government of Bengal. All I want is that the Government should accept the policy of prohibition and by accepting it they must say that it would be given effect to in a certain number of years. What that number should be is a question to be determined in consultation

with the leaders of the different sections in the House. The first thing to be done in labour areas is the immediate reduction in the number of excise shops. I should like this to be tried as an experimental measure. By this we will be certainly doing a great amount of work. Whether the consequent fall in revenue could be compensated by other taxation is a matter to be further considered. I, therefore, move this motion in the hope that it would be possible for us, the representatives of the people, to accept the motion in the way in which it has been put. It is now about 8 or 9 years since we have got the Reforms, and we have been told that it is possible to bring pressure of public opinion on the administration of the country through the Ministry. I knew the Ministry of the past and everybody connected with the Ministry-making and Ministry-breaking sympathised with it, but I think the present atmosphere is entirely changed. Each and every one of us is prepared to give our little share of assistance in the administration of the country, and I think it is time that the Department should give a lead to it by a definite acceptance of the policy of prohibition. With these words I move my motion.

Babu SATYENDRA NATH ROY: I was very glad to hear the speech of the Hon'ble the Minister in charge of the Excise Department in demanding his grant. If I heard him aright he declared that it was the policy of Government to reduce the consumption by decrease in the number of retail shops. Sir, I do not know if this policy as stated by the Hon'ble the Minister has been communicated to the Department concerned and they are given practical effect to, but judging from the slight experience I had as a member of one Licensing Board I do not think the Department recognise any such policy of reduction. On one occasion I moved at a meeting of the Licensing Board that all shops selling ganja and yielding an income of Rs. 5 only per month should be abolished. I was told that it was beyond the scope of the Licensing Board and that the only object of the Licensing Board was to determine the location of the excise shops and to have one meeting only for the purpose of determining the location of excise shops. We do not know on what principle new excise shops are allowed to be opened but I can say that I have seen a new wine shop in a very respectable quarter of this town which is inhabited by you, Sir, and the Hon'ble Members of the Executive Council, by Hon'ble Judges of the High Court and very respectable merchants. I have never seen a wine shop in that locality within my living memory and I was surprised to find one started so suddenly. The place is also inhabited by Hindu and Muhammadan people and I have heard complaints about the establishment.

Sir, when we are passing Acts to prevent adulteration of food, Government are selling highly injurious drugs, e.g., ganja, charas and chandu to the people for the purpose of getting a revenue. Sir, I am

quite aware of the fact that excise brings us a large amount of revenue but at what a cost. We shall meet the loss of revenue not by imposing fresh taxes but by abolishing the top-heavy administration. I have every faith in the personnel of the Hon'ble the Minister in bringing about a reduction in the consumption of liquor and injurious drugs but what I am afraid of is that the departmental officers may prove to be all powerful.

Dr. NARESH CHANDRA SEN GUPTA: As I listened to the speech of the Hon'ble Minister when moving this grant, I was struck by the extraordinarily family-likeness of all the proposals put forward by the Government and all the policies of the Government in this that they only seem to live from hand-to-mouth, they do not seek to come face to face with any big problems or handle them with any imagination. That is what struck me when the Hon'ble Minister was asking us to congratulate him on the remarkable decrease in the consumption of this, that and the other drug or wine or spirit. I am afraid we in Bengal cannot congratulate the Hon'ble Minister for producing these small results—results which have got to be fished out with a drag net which have got to be examined under a microscope.

5 p.m.

We want that there should be something big and glorious, something really great done for achieving the end, in favour of which there is in Bengal, if not an unanimous opinion, at any rate the vast majority of public opinion. The question of drink, so far as Bengal is concerned, is entirely an artificial question. The problem never existed in this country. It ought not to exist here to-day. The Bengalee is very seldom a drinker and is more seldom a drunkard. The great national opinion in Bengal is in favour of absolute prohibition. The Muhammadan religion absolutely forbids the use of spiritous liquors of any sort and you must remember that the Muhammadans form the majority in the province. Amongst Hindus there are some who tolerate the use of liquor but the injunction of the *shastras* are very very strong on the point, and I hope the Hon'ble Minister will bear me out as a devout Brahmin that it is the worst of sins for a Brahmin to drink. Well, Sir, if these are the teachings of religions in Bengal, and if the habits of the people are in favour of abstention from drink, why is it that we cannot think of prohibition at all? I do not want you to be afraid, I do not want the Hon'ble Minister to be afraid. The resolution which has been moved does not ask the Minister to take a deep plunge like that which has been taken by America. Perhaps he is not big enough for that. Perhaps our arms are not strong enough, our heads are not big enough, our hearts are not broad enough for such a prodigious venture. But certainly we can say this that we recognise that prohibition is the proper policy for an honourable Government to

take up, that we recognise that prohibition is the only policy which a respectable and a moral Government ought to support. If that policy is recognised, the question of ways and means becomes only a question of deliberation. I am sure if the members of the Council sit down to work and determine to find out a way they would soon be able to frame a programme by which prohibition can be achieved—not immediately it may be but say 10 years hence or even 15 years hence. Year after year, for years together, we have been hearing nothing of the sort—no sort of policy to do away with this drink evil. Sir, if America, where every man, every labourer earns more than many of those who are considered fairly rich in this country—if America cannot afford to drink—and Mr. Henry Ford has assured us that America cannot afford to drink—certainly poor Bengal cannot afford to drink. And if the Bengal Government really wants to get into the heart of the people they must assure the people that they exist and govern not for the sake of the revenues but for the benefit of the people, and they must kill this demon of drink which leads people to all sorts of crime.

Mr. J. CAMPBELL FORRESTER: Sir, it was not my intention to speak on this subject. But when the hon'ble member opposite said that "Scotchmen love drink" and that it was a racial question, I considered it was my duty as a Scot to take some part in the debate. Well, Sir, the opposition position reminds me of ancient history; you well remember that when the Emperor Hadrian invaded England about the year 120 and got as far as the north of England, namely, Newcastle-on-Tyne, he found the Scots troublesome so he built a wall around the city of Newcastle-on-Tyne with the object of keeping the Scots out. That was a very expensive method of getting rid of the Scots. But I think my friends opposite have shown a much more subtle and cheaper method of getting rid of them. It seems to me that it is not a question so much of prohibition as it is an effort to bring nearer the day of Swaraj because if they get prohibition this will give them a chance to get rid of their most doughty opponents of Swaraj, namely, the Scots. He says: "Scots love drink!" Aye! that is the rub. Therefore, it is up to us to stop drink by prohibition, and drive them to their own country where they will get their national drink, and believe me that the majority of Scotchmen have that spirit of freedom and independence where they would not be denied their national drink. I wonder if you ever heard of our national poet Robert Burns. In the flow of eloquent poetry he said:

> "Freedom and whisky gang together
> Take aff your dram."

Then again our national poet says:

> "Kings may be blest but Tam was glorious,
> O'er a' the ills of life victorious."

Think of it, the absolute contentment that he depicts, "O'er a' the ills of life victorious." There is no evils, no troubles, life is one great happiness, and yet it is your desire to stop this wonderful Scotch whisky which could do you so much good.

It is not prohibition that you want but to get rid of the Scots. A glass of real Scotch whisky will do no one harm but a lot of good—get rid of your poisons, drink what is called Scotch whisky. I cannot treat this question seriously when I heard the opposition hold up America as a country of wisdom, the country of freedom, wonderful! Is it not that in this country of freedom that people have to break the law to get what they want in the way of drink? Result, they have driven the people to the drug habit and there is murder and crime all around. It seems so absurd for you to try to introduce prohibition in a country where nature has been so bountiful and kind, where even the toddy trees grow by the roadside. I oppose this motion and I hope the gentlemen of the Council will forgive me if my effort at opposition was given in a humourous strain.

The following motions were called but not moved:—

Babu SATISH CHANDRA RAY CHAUDHURY: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Rs. 100 (to discuss the excise policy of Government)."

Mr. S. M. BOSE: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Rs. 100 (to discuss the constitution of the Licensing Boards)."

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 50 (to discuss the question of duties on alcohol used for indigenous toilet preparations).

My object in moving this motion is to discuss the question of duty on alcohol used for industrial purposes—especially for the preparation of toilet articles, etc. I have just heard a discussion about the total prohibition of alcohol but I do not at the present moment desire to take up the time of the House with such a large and important question. I request the sympathy of the House to a small matter which is quite practicable and is within the province of the Minister to-day. Sir, the manufacture of perfume and of toilet preparations is still an infant industry in India. There are a number of manufacturers in Bengal, some of whom have got very large concerns and there are others who are content with smaller output but all the same they are doing the business. All these manufacturers find considerable difficulty in marketing their products owing to the formidable competition of established manufacturers of foreign countries who are

largely exporting their products into our market. The Indian perfumery manufacturing industries urgently require some protection from the Government. This is an industry in which Indians are concerned and I do not think that it is too much for me to hope that lip sympathy would be transformed into practical sympathy and that my suggestions will be accepted.

With this protection I am sure the struggling manufacturing firms will be able to thrive. They can work more profitably and considerably extend the volume of their business. Incidentally I might tell my friends here that by doing so they will be partially solving the unemployment question especially among such of our countrymen who have received sufficient education to take to the manufacture of perfumes. In this connection I have in my mind the large number of M. Scs. who pass out from the University every year. I do not find the Hon'ble Mr. Moberly here but if he were here he would have borne me out that only the other day out of 200 applications for the post of a teacher in the Deaf and Dumb School there was one M. Sc. and when I asked him why after passing the M.Sc. examination he was anxious for a post of Rs. 40 a month in the Deaf and Dumb School, he said that there was no field where he could go and devote his energy. I most respectfully submit before the House that if my proposals are given satisfactory consideration these M.Scs., at least most of them, will get a field where they can well earn a livelihood instead of seeking for a teachership in the Deaf and Dumb School on Rs. 40 a month. Alcohol which is used for the manufacture of perfume is sold at Rs. 21-14 for every proof gallon which comes up to Rs. 36 for every imperial gallon. This has to be paid in advance at the time of the purchase of the spirit. This is a prohibitive duty and unless our Government help the manufacturers it would be difficult for them to continue. The most effective way in which Government can give protection to the struggling industry is to give concession in the form of duty for spirit used for perfume. The Government of Bombay have already made a move in this direction and have reduced the price to Rs. 17-8 per proof gallon or Rs. 28 per imperial gallon. How long are we to wait for Bombay and Madras to show us the way? Bengal always used to lead before but now we have been led by other provinces and our Ministers have taken their lessons from other provinces. In 1921, protection was given by the Government of Bengal for medical preparations and Bengal is grateful to the late Nawab Bahadur Nawab Ali Chaudhury who was then Minister in charge for that. That concession has given great impetus to the manufacture of pharmaceutical preparations in India so much so that it is hoped that within a few years pharmaceutical preparations in India will altogether displace foreign importation. A number of manufacturers in Bengal are manufacturing most of the pharmaceutical products of the British

Pharmacopœia on a very large scale and their products compare favourably with the imported products. If a similar protection is given for the manufacture of perfume, the perfume industry will develop within a very short time and will be able to compete with the foreign production.

There is another difficulty. The duty on spirit is always paid at full rate before manufacture. Yet when the preparations are exported Bombay and Madras Excise Departments again charge full duty. This is an iniquitous procedure. The result is that the manufacturers in Bengal cannot supply their products to outside provinces. In the case of perfume preparations manufactured outside India no such question arises. May I enquire why there is such a difference in procedure? An article imported from England has to pay duty once at the gateway of India but if it is prepared in Bengal it has to pay duty once before the manufacture and again after manufacture if it is sent outside the province.

I do not like to rake up any racial question nor do I take my stand on any controversial ground but I would make a few suggestions to the Hon'ble Minister and humbly request him to consider them and give such relief as is possible.

My first suggestion is reduction of the duty on alcohol for use for bona fide purposes for the manufacture of perfumery and similar toilet preparations; whether that reduction be 5 per cent., 10 per cent., or 20 per cent., I do not care but there should be some reduction of duty for the particular industry.

My second suggestion is that arrangements be made with the Governments of Bombay and Madras that they should not collect any duty on perfumery exported from Bengal as duty has already been paid in Bengal at the time of manufacture. I know, Sir, of one manufacturer who made a representation to the Minister concerned in Madras to this effect but which was not granted.

My third suggestion—and one easy of accomplishment—is that the Bengal Government should allow manufacturers of perfumeries to export them without realising any duty on them at the time of purchase but to collect the duty when they are sold. Government should also permit the export of perfumeries to other provinces of India.

Sir, the Excise Department is now under the control of what is called a popular Minister and I believe it is not too much for us to hope that my suggestions will receive consideration at the hands of the popular Minister who ought to do all that is possible for him to give an impetus to the manufacture of perfumeries.

That is all I have to say and with these words I commend my motion to the acceptance of the House.

The following motion was called but not moved:—

Mr. S. M. BOSE: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Rs. 10 (to discuss the question of duty on alcohol for indigenous perfumery and toilet manufacture)."

Dr. Sir NILRATAN SARCAR: As I am concerned with the Department of Industrial Chemistry in the University of Calcutta, I feel it my duty to support the proposal brought forward by my friend Rai Dr. Haridhan Dutt Bahadur. It has been said that Bengal is likely to be the home of chemical industries in India. I claim for the Bengal students the requisite capacity. There are also the raw materials which are plentiful here and very few of which we have to import from abroad for manufacturing purposes. Then again there is the ever widening market for the consumption of various products of the chemical industries of Bengal, but what a pity that here the students who aspire to turn manufacturers do not find sufficient facilities for following up their career and they have to deviate to other channels for the sake of their livelihood. Alcohol is manufactured here and even the graduates are there to utilise it for the purpose of manufacturing saleable articles but where are the facilities? If some of them make the venture they come to grief in no time, as it is impossible for them to stand foreign competition; yet we feel that it is a very much artificial handicap placed upon the students of this country. My friend has raised the question of protection but I do not believe that it will be called protection for practical purposes. We make our own alcohol, we have our own raw materials to prepare finished products and why should an artificial taxation be placed upon one of the materials and the expenditure increased and why should it be made impossible for our chemists to compete with foreigners? I think that a good deal of injustice has been done in the past in this matter. Speaking on alcohol I think I have a right to expect that alcohol should be made to atone for the mischief that it is making in other departments of life and to help the young students to convert the raw materials of Bengal into finished products to the admiration of the people of the whole world.

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 10 (to discuss the question of Licensing Boards).

My object is to bring before the House what has been happening with regard to the Licensing Board, especially in Calcutta. I have no knowledge of the mufassal; I am a citizen of Calcutta; I was born here and have lived my life here and I presume I have a right to say something on behalf of Calcutta. So I will confine my remarks to what has happened in the last two years in respect of the Licensing Board

in Calcutta. I leave the old, old history alone as to how the Licensing Board worked and how Governor after Governor, Viceroy after Viceroy advocated the policy of having Licensing Boards in connection with the excise administration of the country. I leave all these matters of history alone. I shall confine myself, as I have said, to what occurred in Calcutta and what occurred during the last two years.

In 1928, my humble self was taken in as a member of the Licensing Board of Calcutta, not as representing Government, not representing any particular industry or institution but the Temperance Federation. Myself and another friend were kindly given seats on the Licensing Board constituted in May 1928. We worked smoothly, quite in a friendly way, we acted with the authorities for three of four months but then suddenly we were obliged to clear out. We were practically told that the Temperance men would not be tolerated any further. We were not told in that particular way but that was what happened. I happened to be one of those who waited upon Lord Lytton at Government House with a request for seats for the Temperance Federation. His Excellency Lord Lytton kindly considered the whole situation and then subsequently it so happened that two seats were given to the representatives of the Temperance Federation, but what transpired within the closed doors of the Excise Department or of the Minister I am not in a position to say but within the next two or three months we were told that the representatives of the Wine, Spirit, Beer and what not Association wanted special representation and on what ground? The ground was that the Temperance Federation had special representation. If the representation came from the Bengal Chamber of Commerce on behalf of trade we could have understood that, and when the matter was placed before the Temperance Federation Revd. Herbert Anderson, who was our leader, thought that it was so insulting a proposition that it could not be tolerated and we unanimously decided to cut off all connection with the Board. This was the way the thing was carried out. Then we waited as our resignations were not accepted for a pretty long time. We were kept on the tenterhooks of suspense and we did not know in what direction the balance would move. Then we were informed that the question of the Licensing Board had already been done away with and that there would be no Licensing Board for Calcutta for the year 1928-29. May I enquire from the Minister—unfortunately the present Minister was not the gentleman in possession at the time and what shots I may level against the Minister will perhaps not strike him, as he was not there; in any case I have to address him, as the head of the department against which I make my remarks—if it is not a fact that Calcutta continued without a Licensing Board for at least one full year. May I ask my friends to tell us if it was not the settled policy of Government that there should always be a Licensing Board to regulate the excise policy of Government or rather to moderate the

excise policy of Government. Why was that policy not adhered to? But the result was that there was no Licensing Board for one year. Then out came another Licensing Board. From that Licensing Board the Temperance Federation as the worst offender had been kept out altogether. I am not complaining about that but I should like to know why the Corporation of Calcutta was also kept out. The Corporation was not a very militant temperance body—there sits my friend Mr. K. C. Ray Chaudhuri, who will bear me out—most of the members of the Corporation who sat there as representatives tried their level best to go against the recommendations or motions which my humble self and others working for the temperance cause brought forward. But in spite of that the Calcutta Corporation, the premier Corporation in the whole of India and of the second city of the British Empire, was not given a seat in the Licensing Board of Calcutta. Could there be anything more ludicrous than that the Licensing Board of Calcutta was without a representative of the Corporation of Calcutta? What I suggest is that these things were all done because somebody wanted to placate the Wine, Beer and Spirit Association. May I ask if it is seriously contended that a man who has to sell alchohol, spirit or similar thing should be allowed to sit on the Board? When his own pocket is going to be touched is he the person most to be relied upon and not men like myself who go there to improve the condition of things from the temperance point of view? However enamoured we may be of the Temperance Association, however zealous we may be of our cause we are not interested in any pecuniary way.

5-30 p.m.

And over and above that it is ridiculous that you should take away the franchise of the Corporation of Calcutta to send their representatives to the Licensing Board. Sir, this sort of thing has been going on for some time past. My friend has now reconstituted the Licensing Board. I have nothing to say about the personnel of the present Board but one point strikes me. Here, again, the question has been decided on a racial and communal basis. There is one Hindu, one Muhammadan and one Christian. I think the Board should have been constituted on popular lines, without any communal or racial bias. And if we are going in for communalism to this extent, it is simply nauseating. Sir, personally, I am not particularly anxious for a seat on the Board. I do consider it useless for anyone to sit on a Board where things like these are brought in. I was reading the discussions that took place last year. Our friend, Nawab Musharraf Hossain, who was then Minister in charge of Excise, pointed out that some members of the Council troubled him with requests for seats on the Licensing Board,———

Mr. PRESIDENT: You need not refer to that.

Rai Dr. HARIDHAN DUTT BAHADUR: Yes, Sir, I also feel in the same way. Well, Sir, leaving that alone, I appeal most sincerely to the present Minister—I already have said that I do not hold him responsible for what took place last year—to see that all interests are properly represented on the Board, and the Corporation of Calcutta must also be given seats there. Then, Sir, men who are not interested in money matters—men whose pockets are not touched, should be the only persons who should have seats on the Licensing Board.

(Here the Hon'ble Minister rose to reply.)

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. If I remember aright, you said that there will be one general discussion on all the motions from No. 30 to No. 41, taken together. If the Hon'ble Minister is allowed to speak at this stage, shall we have further opportunities of speaking on these motions?

Mr. PRESIDENT: Yes. These motions have been moved, but as the guillotine falls at 6 o'clock, I think that the Hon'ble Minister should speak at this stage. If there is time after that, members will be at liberty to speak on them or on the main demand.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, we had a very interesting and illuminating debate on the excise policy of Government, and I am grateful to the hon'ble members for the criticisms offered by them. Some of the points raised in the debate have already been discussed by me, and the attitude of Government with regard to them has been explained to the House. Sir, the question of total prohibition is a serious one, but I ought to tell the House at once that in the opinion of Government the adoption of the policy of total prohibition in Bengal is outside the range of practical politics at the present moment. In coming to this decision Government lay special stress on two important factors. Firstly, Government do not think that the social and economic condition of Bengal is such as would permit the introduction of total prohibition in Bengal. Sir, a comparison with America is of no material help to us in Bengal. The greatest patrons of intoxicants in Bengal are the labouring classes. The social conditions of these classes in America are quite different from what exist in Bengal. They enjoy an amount of social amenity which is unknown to the people of Bengal. Sir, for introducing total prohibition in Bengal, we must prepare the ground, as was done in America by philanthropic and selfless workers. In this connection, Sir, I am rather curious to know why, while the mover has mentioned America as a country adopting total prohibition, he has made no reference to Norway or Sweden, where the policy of total prohibition was tried and abandoned.

Sir, with reference to the suggestion of my esteemed friend Khan Bahadur Azizul Haque that something should be done to reduce excise shops in industrial areas, I might assure my esteemed friend that the matter is under the consideration of Government, and as their representative, I shall be most grateful to the Khan Bahadur and other friends for the advice which they might offer to me in this connection. Sir, the House is aware that during the last few years we have considerably increased the rates and duties on excisable articles and have made drastic reductions in the number of shops. In the ordinary circumstances the dearness of price and want of facilities should have considerably affected our revenues. That this has not been so proves conclusively that the social and economic conditions of the country do not favour a total prohibition. Any attempt to do so would not only give rise to widespread discontent in the country, but would encourage extensive smuggling and illicit sale and manufacture of drugs and spirits, which it would be almost impossible for the Government to cope with.

Sir, the other important matter for consideration in this connection is our revenue. Any drastic step towards the introduction of total prohibition would affect our revenue from excise, which is about a quarter of the total revenue of Bengal————

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. The Hon'ble Minister seems to be replying to a motion recommending total prohibition. There is no such motion before us. Our recommendation is to accept total prohibition as the goal.

Mr. PRESIDENT: There is only a thin line of demarcation between the two aspects of the case for the purpose of a reply.

The Hon'ble Kumar SHIB SHEKHAREWAR RAY: .....and that in a manner which would hardly be commensurate with the benefit to be obtained from the so-called total prohibition. It will, I hope, therefore, be appreciated by all right-thinking men that total prohibition is impracticable in the present condition of the country. But the actual policy of Government now in operation is achieving the same end by more satisfactory methods. It may be a slow process, but it is a sure process which would ultimately eradicate the evil by gradually bringing about a change in the habit of the people.

Sir, I now come to the motion of Rai Bahadur Dr. Haridhan Dutt, dealing with the Licensing Board in Calcutta. Sir, the reasons for an entirely nominated Board in Calcutta is a sad story which must be known to many members of this House. It cost a Minister his job. I, Sir, do not wish to enter into the details here, but I would like the House to believe me that a drastic change in the constitution of the Board in Calcutta had become absolutely necessary to put affairs

right, but I am glad to state that the present Board is working very well, and I am in a position to assure my friends that we propose to revert to a mixed Licensing Board with a non-official majority as soon as it would be possible to do so.

5-45 p.m.

Sir, my esteemed friends Rai Bahadur Dr. Haridhan Dutt and Sir Nilratan Sarcar have raised a very important point in referring to the duties on alcohol used for indigenous toilet preparations. I might tell my friends that we follow the policy which is in vogue in the rest of India, except Bombay and Burma, and our main reason in levying a higher duty is that scents are a luxury for the rich people, and as the duty ultimately falls on the consumers of the scents, there is no reason why the rich people should escape the usual duty. But, Sir, since the receipt of the notice of this motion I have come to see the question from another angle of vision. I find that our first consideration should be to help the development of an indigenous industry and I quite realise that some lightening of the burden would go a long way to help the industry of Indian perfumery. But how best to help the industry would require a little further examination of details. I am much obliged to my esteemed friend Rai Bahadur Dr. Haridhan Dutt for drawing the attention of Government to this matter, and I would request him to leave the matter safely in my hands for disposal. With these words I request the movers of various cuts to withdraw their motions. Perhaps they would be pleased to do so and give me a chance to work properly up to their suggestions.

Rev. B. A. NAG: Sir, I beg to move that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Re. 1 (to call attention to the danger of increasing income from Excise).

In doing so I would like to draw the attention of the Hon'ble Minister to the danger of growingly increasing income from excise. I may be told, Sir, that bunches of such resolutions have been moved in this Council; why then this again? In reply, I would say that I feel like the minister who when appointed to a new church began to preach the same sermon every Sunday morning and evening, and when the congregation got a little tired and waited upon him for an explanation, he said: "Friends, have you realised the ideal of my sermon in your daily life? If not, I am afraid I would go on preaching the same sermon until you have carried into practice what I have said." That is my reply to Government. Until they carry out the ideal of prohibtion, as desired by the people, this sort of motions will come over and over again. I have yet another reason and that is this: I am aware, Sir, that in our Hon'ble Minister we have got one who is extremely anxious to do good to the people. Here, this

motion will give him an occasion to test the intensity of his desire and will give him an opportunity of saving thousands of starving and ill-cared for wives and children of the poor from their slow death and moral ruination. I wish I could take the Hon'ble Minister to some of the *bustees* of the poor people and I wish I could show him the miseries of various forms and degrees from which they suffer. I feel confident that he would agree at once that the present policy of the Government should be changed immediately. Whether he would admit it in this Council would probably depend upon the state of his administrative conscience, for the need of money for administrative purposes has led many a man astray, and I shall not be surprised if the Hon'ble Minister were one of them. We were told yesterday of the excise policy of Government and even to-day we have been reminded that that policy is likely to eradicate the evil from our province. Sir, I beg to differ from that view, because every tree is judged by its fruit, and judged by that standard the Government policy has utterly failed. It has brought about no decrease in consumption. Is that a bold statement? Sir, that is not my statement; that is the Government statement. In their report of 1928-29, in page 8, they say: "the decrease in the districts of Murshidabad was 15·7 per cent., Jessore 14·3 per cent., Birbhum 13·6 per cent., Burdwan 10·5 per cent., Bankura 9·7 per cent., and Nadia 9·1 per cent." Do they say that that was due to Government policy? No, Sir, they say it was due to bad economic condition of the consumers owing to the failure of winter crops in the previous year. In Burdwan it is said to be due to the general depression in coal trade. If we read the next paragraph where the increase has been explained, we find that the increase in Midnapore was due to the successful detection of some illicit distillation cases in the jungle area, the influx of upcountry labourers also account for the increase, while the better outturn of mangoe and paddy crops is said to be the reason for the increased consumption in Malda. Therefore, it seems that Government does not mind robbing the poor people of any surplus money they may have in any year, and impoverishing them. It is for this reason that I say that the Government policy is not responsible for any decrease in consumption. On the other hand, increasing income is a sure indication of the spread of this evil habit, for instance, I would read from page 11 of the same report. Speaking on consumption in Bengal of foreign liquors this report says that whereas in 1924-25, they sold 225,000 gallons of spirits, in 1928-29, they sold 235,815 gallons. Then, again, in 1924-25, whereas they sold 37,383 gallons of wines, in 1928-29, they sold 39,261 gallons. Then about beers, in 1924-25, they sold 391,717 gallons, but in 1928-29, they sold 541,142 gallons. So, there has been a steady increase. There may be a little fluctuation, but the increase is there. Therefore, I am sorry to say that giving any solace to any administrative conscience that Government policy is carrying out decrease in consumption is

merely mythical. Sir, I am prepared to believe, as a matter of theory, that decrease of consumption is not incompatible with increase of revenue. But if it does happen, if it happens at all, it means a much more serious thing; for, what does it mean? It means, say for instance, with 20 per cent. less consumers, they are prepared—so addicted to the evil habit—to pay 50 per cent. more in price, and Government thereby benefits to the extent of 20 per cent. more in revenue. So, it shows that this evil habit has got such a hold on the people that let them do what they like, they cannot get out of the tyrannous grip of it. But the greatest danger is here. If the income is increasing every year, the day is coming sooner or later—I hope sooner rather than later—when Government will yield to the people's appeal and adopt prohibition, and the question then will be how are we to make up this loss of revenue. Therefore, I would say we should make every effort to revise our excise policy. My friend Khan Bahadur Maulvi Azizul Haque has suggested, if I heard him aright, that we should be prepared even to pay a tax to relieve our province of this evil of drink and drug habit. If he has said so, I am prepared to support him. I will tell you why, because this tax is being paid by the poor people. Who pays these rupees two crores and twenty-eight lakhs? It is an unequal distribution of tax. It is paid by the poor people. You have to add to it 50 per cent. of the profits made by the shop-keepers and then realise what our poor people are made to pay for this drink habit. My friend Mr. Campbell Forrester————

(The time allotted for the discussion of the grant under the head "6.—Excise" having been reached the member had to resume his seat.)

6 p.m.

The motion that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 22,16,999, was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Ray, Babu Khetter Mohan.
Rout, Babu Hoseni.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammad.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Gaggen, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hossain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. M.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. C.
Finnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Rushforth, Mr. F. Y.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Nebati Mohan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 25 and the Noes 63, the motion was lost.

The motion that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 1,000 (to raise a discussion on the excise policy of Government) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Banerji, Maulvi Mir Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Mohammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Nag, Babu Suk Lal.
Nag, Reverend B. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Raut, Babu Hemanta.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Mafizur Rahman.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Dain, Mr. C. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Burner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. C.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Roy, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Ray, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Rushforth, Mr. F. V.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 43 and the Noes 53, the motion was lost.

6-15 p.m.

The motion that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 100 (to discuss the Government policy regarding prohibition) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Baziul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mookerjee, Mr. Syamaprasad.
Raut, Babu Hemal.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Sarat Kumar.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Baliuha, Rai Bahadur Debendra Nath.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Gasson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. H.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mukharji, Rai Bahadur Satish Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. G.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Rushforth, Mr. F. V.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rohati Mohan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 33 and the Noes 53, the motion was lost.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, will you please give your ruling as to whether it is permissible to prominent member of this House to take his stand at the doors leading to a particular lobby and in this way preventing or persuading members to vote in a particular way?

Mr. PRESIDENT: It is certainly not permissible, but my notice should have been drawn to it at the right moment.

Babu JITENDRALAL BANNERJEE: May I go into the matter in detail, Sir? Is it proper for the Hon'ble Minister to stand at the doors of a particular lobby and canvass personally for support even to the extent of preventing members from voting in a particular way?

Mr. S. M. BOSE: Is the Hon'ble Minister in order, Sir, to regard the result of this vote, if adverse, as a vote of censure on him?

Mr. PRESIDENT: It is not possible for me to take cognisance of what happened behind my back and it is for the Hon'ble Minister to say whether the charges levelled against him are true or not. (The Hon'ble Minister remained silent.)

In this connection I may say that while a division is in progress I oftener than not find members loitering about in the Chamber, engaged in conversation. It is not possible for the Chair to anticipate what the subject of such conversations may be. I have often warned them against such a practice and repeatedly told them that I could not keep the doors open indefinitely. I must say that I have the power to close the doors whenever I like and if members do not pay heed to polite requests from the Chair, the Chair shall exercise that power in future.

The following motions were then put and lost:—

"That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Rs. 100 (to urge the acceptance of policy of prohibition to be given practical effect to in course of a fixed number of years, and as the first step towards the measure, the immediate reduction in the number of excise shops in labour areas and in areas generally affected by distress)."

"That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Rs. 50 (to discuss the question of duties on alcohol used for indigenous toilet preparations)."

6-30 p.m.

The motion that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Rs. 10 (to discuss the question of Licensing Boards) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Bose, Mr. S. M.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jahiuddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Saziul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rout, Babu Hosenl.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bose, Mr. Sarat Chandra.
Salimullah, Rai Bahadur Debendra Nath.
Samarji, Rai Bahadur Keshab Chandra.
Sarma, Rai Sahib Panchanan.
Sazirudden, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Esson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sushi Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Garner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Mr. Razzur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. O.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C
Roy, Maharaja Jagadish Nath, of Dinajpur.
Ray, Mr. Bijoy Prasad Singh.
Roy, Mr. Saheswar Singh.
Roy, Mr. Shanti Shekhareswar.
Rushforth, Mr. F. V.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. E.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 25 and the Nos. 55, the motion was lost.

(At 6-35 p.m., the Council adjourned for prayer and it re-assembled at 6-45 p.m.)

The motion that the demand of Rs. 22,17,000 under the head "6.—Excise" be reduced by Re. 1 (to call attention to the danger of increasing income from excise) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bakali, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Maulvi Asimuddin.
Chaudhuri, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Lal Muhammad, Haji.
Mookerjee, Mr. Syamaprasad.
Nag, Reverend S. A.
Roy, Babu Satyendra Nath.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Dain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Banguli, Rai Sahib Sueil Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. F. N.
Garner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Reut, Babu Hosani.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Rushforth, Mr. F. Y.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshey Kumar.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. S.
Thompson, Mr. W. H.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 21 and the Noes 46, the motion was lost.

The motion that a sum of Rs. 22,17,000 be granted for expenditure under the head "6.—Excise" was then put and agreed to.

The time-limit under the head "6.—Excise" having been expired the following motions were not put:—

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Re. 1 (to take steps to introduce prohibition in the Province)."

Rai Dr. HARIDHAN DUTT Bahadur: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Re. 1 (to raise the question of the excise policy of the Government regarding chandu and charas).

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 22,17,000 under the head '6.—Excise' be reduced by Re. 1 (general policy with reference to backward classes)."

7.—Stamps.

The Hon'ble Mr. A. MARR: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 7,73,000 be granted for expenditure under the head "7.—Stamps."

The details of this demand will be found on pages 56-57 of the Budget Estimate and on page 32 of the Financial Statement. It will

be seen from there that in the current year we provided Rs. 8,47,000 under this head. On the strength of the latest figures, we have put the Revised at Rs. 7,43,000 and next year's budget at Rs. 7,73,000, that is to say we have provided for an increase of Rs. 30,000. That increase is accounted for altogether under four heads. There is a small increase under the head "Pay of officers" due to normal increments under the time-scales of pay. There is also a little increase under "Pay of establishment," due to two items: the first is the pay of two clerks and four menials for two new branch depots at Hatiya and Sandwip. These two branch depots had to be established to remove the inconvenience felt by litigants at these island stations. The other is the entertainment of one temporary clerk for the destruction of spoilt stamps at the Calcutta collectorate. That work was formerly done by the Controller of Stamps at Nasik; we have to do it now.

Then under the head "Contingencies" we have to provide for a little increase owing to the increase of freight for transporting stamps from Nasik to the different districts in the province. I think members of this House know now that all our stamps are printed at the Nasik Security Press. So the more stamps we sell, the more we have to bring from there.

The fourth item is under the head "Charges for the sale of Stamps (discount)." There is an increase of Rs. 18,000 under this head. This has been explained in the last sentence of the note in the green book: "Charges for the sale of stamps vary with the receipts, and as an increase in revenue from non-judicial stamps is anticipated next year, increased provision for payment of discount to vendors has been made." That accounts for the increase under this head for next year.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 25,574 under the head '7A.—Stamps—Superintendence—Pay of clerks' be reduced by Rs. 3,342."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 50,000 under the head '7A.—Stamps—A—non-judicial—Superintendence' be reduced by Rs. 5,000 (to raise a discussion about the policy and expenditure involved)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 50,000 under the head '7A.—Stamps—Superintendence' be reduced by Rs. 5,000."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 25,000 under the head '7.—Stamps—B—Judicial—Superintendence' be reduced by Rs. 20,000 (to raise a discussion about the policy and expenditure involved)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 7,73,000 under the head '7.—Stamps' be reduced by Rs. 1,000 (to draw attention to the exorbitant rate of stamp duties)."

Khan Sahib Maulvi BAZLUL HUQ: Sir, I beg to move————

The Hon'ble Mr. A. MARR: On a point of order, Sir. I do not know if this motion is in order. This very thing was discussed under motion No. 12, under Land Revenue. The matter was fully explained by Sir Provash. The same point is raised in motion No. 85.

Mr. PRESIDENT: I take it that the member means that on account of the particular provision in the Tenancy Act to which he refers there may be fall in revenue under Stamps. This motion appears to be based on that assumption.

Khan Sahib Maulvi BAZLUL HUQ: Sir, that is so.

7 p.m.

Khan Sahib Maulvi BAZLUL HUQ: Sir, I beg to move that the demand of Rs. 7,73,000 under the head "7.—Stamps" be reduced by Re. 1 [to discuss about fall of revenue, consequent on the passing of the Bengal Tenancy (Amendment) Act].

Sir, it is now an admitted fact that the Act has not been accepted by those for whose supposed benefit it was passed. We learnt from the speech of the Hon'ble the Finance Member that there is a fall of revenue amounting to Rs. 19 lakhs in stamp and Rs. 18 lakhs in registration fees in the current year. He had to admit that this great decline in revenue is due to some of the provisions of the Bengal Tenancy (Amendment) Act. He had the goodness to admit: "It is apparent that in almost every district fewer documents are being executed and registered in respect of property—specially in land, with a consequent fall in the revenue from general stamps and registration fees." Sir, no where in the statute book will be found any Act on which such a clamour was raised from the very inception. The occupancy raiyat for whose supposed benefit the amendments were made did never appreciate it. The sections relating to *salami* and pre-emption have horrified them. They consider these provisions as veritable engine of oppression on them. Occupancy rights were being transferred from time immemorial. Thousands and thousands of documents were

executed and registered every year in every district. But how many suits were brought by the landlords to oust the purchasers? I may say without fear of contradiction that the number was very very small. The landlords fought up to the High Court to eject the part purchasers of such rights, but failed. One of the big estates in Noakhali was satisfied with only 12½ per cent. *nazar* in case of purchase of the entire holding.

The Hon'ble Mr. A. MARR: On a point of order, Sir. I cannot understand what the High Court and the landlords have to do with the cost of stamps under this head.

Mr. PRESIDENT: I am absolutely helpless in the matter, because up till now I have not been able to catch one word of the mover of the motion. Speak up, please.

Khan Sahib Maulvi BAZLUL HUQ: In case of part purchase there was no fixed rate. Any amount much less than 12½ per cent. used to satisfy in case the part purchaser wanted recognition, otherwise not. But now the case is the otherwise. If you transfer any share of an occupancy holding, you must pay at once 20 per cent. or one-fifth of the price as *salami*. Over and above this, another big sum is to be paid as transmission fee. That means about 30 per cent. of the price must be at once spent. Otherwise the Sub-Registrar will not accept the deed for registration. Can hardship go further? Is this called justice, equity and fair play? So long the idea was that Government's sympathy goes with the dumb mute multitude, but now the table has turned. The passing of these most hard and inequitable sections has raised the belief in the masses that Government are no longer supporting the weak and the helpless. They find to their utter amazement that Government are supporting the landlords and are anxious to see their long purses filled up with the hard-earned money of the poor raiyats.

Sir, just consider the pitiable condition of the poor raiyat. They have to part with their land to meet their most unavoidable demands. But before they are in a position to satisfy their demands they must fill the purses of their landlords. The land belongs to the raiyat. He and his successor will enjoy it from generation to generation without paying a single pice as *nazar* in case of successions. But as soon as there is a transfer he must pay an exorbitant amount, a fabulous sum as *salami*. Take the case of a raiyat at fixed rates. He has to pay 2 per cent. on his annual rent in case of transfer by sale or succession. But in case of occupancy raiyat he must pay 20 per cent. of the value of the land. There is no justification whatever for retaining these provisions. Government with their eyes wide open find that the amended provisions have caused universal dissatisfaction and discontent

throughout Bengal—so much so that a great fall in revenue has occurred. Sir, the Hon'ble Member expects increase in revenue next year. He thinks that the decline in revenue will be checked as people become more familiar with the new provisions. But who will be responsible if his hopes are not realised, if there be decline of another Rs. 37 lakhs or so next year? We learnt by experience that with the help of the landlord Government will be able to carry out any scheme to meet the deficit. But still the Hon'ble Member will be answerable at least to his good conscience for robbing the public exchequer merely to keep their prestige and to help the landlords to earn unearned money. I would respectfully request the Hon'ble Member not to commit blunder after blunder.

Sir, we are in close touch with the masses; we see for ourselves what is happening, we know the feeling of the people and are therefore in a better position to judge. Owing to the most inequitable provisions relating to pre-emption the value of the land has considerably gone down for want of buyers and so even if there be any increase in number of transfers there will be no appreciable increase in revenue. Necessity has caused the raiyats to invent new ways of raising money though in the long run it might lead to endless trouble and litigation. I, therefore, sound the note of warning that the Hon'ble Member's hope will not be realised.

Sir, several resolutions on the subject were put before the House by abler and worthier persons but were lost, and so I am not very hopeful of success of my motion so long as the mentality of the House is not changed. But I hope the time is not far off when the sleeping masses will shake off their lethargic habit and capture this House. I do not like to detain the House and tax their patience. I once again ask the House generally and the Hon'ble Member particularly to seriously consider the position created by the amended Act and to give relief to the poor raiyats who are the real children of the soil. With these few words, Sir, I beg to put my motion for the acceptance of the House.

The motion of Khan Sahib Maulvi Bazlul Huq was then put and lost.

The motion that a sum of Rs. 7,73,000 be granted for expenditure under the head "7.—Stamps" was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 19th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 19th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Allegations against the police officer of Kachua, Khulna.

*79. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Srimati Nirmal Nalini Roy Choudhurani of Maghia, police-station Kachua, district Khulna, submitted a petition to the Government in August, 1929, alleging serious charges against the police officer of Kachua?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the said petition?

(*c*) Will the Hon'ble Member be pleased to state what action the Government have taken or intend to take in the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) and (*b*) A petition was received. A copy is laid on the table.

(*c*) The petition was forwarded to the District Magistrate of Khulna for disposal and the petitioner was informed.

Copy of the petition referred to in the reply to clauses (a) and (b) of starred question No. 79.

To—

The Chief Secretary, Government of Bengal, Writers' Buildings, Calcutta. (Through the Deputy Secretary, Political Department, Government of Bengal, Calcutta.)

The humble petition of Srimati Nirmal Nalini Roy Choudhurani, widow of late Surendra Narayan Roy Choudhuri, of village Maghia, police-station Kachua, district Khulna.

MOST RESPECTFULLY SHEWETH:

(1) That your humble petitioner's husband had lots of enemies in the locality who had been persecuting for many days and several attempts were made to do away with his life.

(2) That your humble petitioner's husband late Surendra Narayan Roy Choudhuri went out into the heart of the village in the afternoon of 25th December, 1927, promising early return. But much to your petitioner's anxiety he did not not come back even when it was evening and your humble petitioner had some ineffectual inquiries made by her neighbours.

(3) That some three or four days before the date of your petitioner's husband's disappearance some men were loitering stealthily in the dead of night near about her husband's house. In that circumstance your humble petitioner's anxiety soon grew into a strong suspicion of murder when she found that her husband was not returning even on the morrow next.

(4) That your humble petitioner sent two of her neighbours, Haridas Roy Chowdhuri and Shashi Bhusan Roy Chowdhuri, to the police-station to lodge the first information report accordingly.

(5) That every fact was stated in detail before the officer in charge of the thana Mr. Girish Nandi, and they also told him of the fact that the disappearance of the petitioner's husband could not have been due to any other cause than murder.

(6) That the officer-in-charge without paying any heed whatsoever instructed them to submit a simple missing report to the effect your petitioner's husband was missing. According to the instruction of the officer in charge they submitted a written report.

(7) That the officer-in-charge made a formal show of inquiry by sending one officiating assistant sub-inspector who made only a nominal inquiry.

(8) That now the story of your humble petitioner's husband's tragic death has revealed itself and that it has been known from reliable source that Arajali Fakir, Rasid Fakir, Eman Khan and Torak Shaikh of the locality pulled your humble petitioner's husband to death. And the fact that these men had been hired and instigated to commit this heinous crime by Tarini Dhupi, Bhola Dhupi, Ratan Fakir and Korban Sheik has also been given vent to.

(9) That your humble petitioner has also come to know that the two female members of Arajali's house happened to witness the murder of your petitioner's husband and they were so much terrified that they could not help screaming. But they were kept tactfully out of the way of the police officer who investigated the case, this fact being also unknown to him.

(10) That your humble petitioner has now been subject to so much persecution at the hands of these people and they are forcibly occupying her lands and as there is no adult male member in her family—her husband having been strangled to death and her eldest son having died of cholera—your petitioner is too helpless to restore her own lands.

(11) That your humble petitioner belongs to an old respectable but now ruined zamindar family of the locality, and fervently appeals to your honour to see that a poor but respectable helpless lady may be saved from the oppressions and persecutions at the hands of these ruffians.

(12) That in view of the facts and circumstances related above, your humble petitioner is confident that if an early and proper inquiry, conducted by able officers like Babu Ram Lal Roy, Sub-Inspector, Officer-in-charge, Satkhira police-station, Khulna, with Babu Jatindra Mohan Ghose, Assistant Sub-Inspector (Bhandarkot Beat House, under the jurisdiction of the Battiaghata police-station, Khulna), is made, then the whole truth regarding the sad end of her husband will come to light. And your humble petitioner prays that your honour be graciously pleased to make such an inquiry and for which act of kindness your petitioner will, as in duty bound, shall ever pray.

I have, etc.,

SRIMATI NIRMAL NALINI ROY CHOUDHURANI.

Dated Maghia, police-station Kachua, district Khulna.

Refusal to grant licence of a double-barrelled gun to Maulvi Syed Jalaluddin Hashemy, M.L.C.

*80. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Maulvi Syed Jalaluddin Hashemy, a member of the Bengal Legislative Council, applied for the licence of a double-barrelled gun to the District Magistrate of Khulna?

(*b*) Is it a fact that the District Magistrate refused to grant the licence to him?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

(*d*) Is it a fact that Maulvi Syed Jalaluddin Hashemy applied to the Hon'ble Member to reconsider the decision of the District Magistrate?

(*e*) Is it a fact that the Hon'ble Member refused to reconsider the said decision? If so, why?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*b*) Yes.

(*c*) The power to refuse to grant a licence is discretionary. It is not customary to give reasons and Government see no ground for departing from the usual practice in this case.

(*d*) Yes.

(*e*) Yes. I may add that Government have again considered the matter and are not prepared to direct that a licence should be issued.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member-in-charge be pleased to state whether in spite of the fact that the power to grant licenses is discretionary, it is not one of the instructions of Government that licenses should be granted to members of the Legislative Council?

The Hon'ble Mr. A. N. MOBERLY: The instruction the hon'ble member is thinking is that, whereas regarding unknown people it is customary and usual to send a form to the police to fill up, in the case of members of the Legislative Council it is not ordinarily considered necessary. But there are no instructions that members of the Legislative Council should be given licences.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether, under the instructions issued under the Arms Act, members of the Legislative Council are not entitled specially to have licences granted? Is the Hon'ble Member prepared to deny this?

The Hon'ble Mr. A. N. MOBERLY: I think the facts are as stated in my last answer. Enquiries are not made in the ordinary course in the case of members of the Legislative Council, but there is nothing whatever to debar District Magistrates from using their discretion in this matter.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether, under section 52 of the Arms Act, members of the Legislative Council are not entitled to possess licence for three guns?

The Hon'ble Mr. A. N. MOBERLY: Not to my knowledge, Sir. I think that section refers to members of the Indian Legislature. If the member wants me to look up the book, I should like to have notice.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware of the fact that Mr. Jalaluddin Hashemy lost a leg in killing a tiger?

The Hon'ble Mr. A. N. MOBERLY: Yes, Sir, with an unlicensed gun.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member further aware of the fact that the gun was subsequently forfeited by Government?

The Hon'ble Mr. A. N. MOBERLY: It seems to me to be a necessary and obvious consequence.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member tell us the nature of the reasons which preclude Mr. Jalaluddin Hashemy from getting a gun licence?

The Hon'ble Mr. A. N. MOBERLY: No.

Babu JITENDRALAL BANNERJEE: Will the grant of a licence to Mr. Hashemy endanger the British Government?

Number of Muhammadan assistants in the Upper Division promoted from, and those of, the Lower Division of the Bengal Secretariat.

*81. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing, department by department—

(*i*) the present number of permanent Upper Division posts in the Bengal Secretariat;

(*ii*) the number of assistants permanently promoted from the Lower Division to hold such posts in each department; and

(*iii*) the number of Muhammadans so promoted in each department?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing, department by department—

(*i*) the present number of permanent Lower Division posts in the Bengal Secretariat; and

(*ii*) how many of them are held by Muhammadans?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) A statement is laid on the table.

(*b*) A statement is laid on the table.

Statement referred to in the reply to clause (a) of starred question No. 81.

	Chief Secretary's office.	Finance Secretary's office.	Revenue Department.	Irrigation Department.	Legislative Department.	Agriculture and Industries Department.	Public Works Department.	Local Self-Government Department.	Education Department.
(i)	27	26+2*	12	7	2	8	13	10	6
(ii)	18	14	10	5	2	3	7	8	4
(iii)	2	Nil	2	Nil	Nil	Nil	Nil	1	Nil

*Outside the cadre, viz., the posts of the Accountant and Treasurer of the Secretariat.

Statement referred to in the reply to clause (b) of starred question No. 81.

	Chief Secretary's office.	Finance Secretary's office.	Revenue Department.	Irrigation Department.	Legislative Department.	Agriculture and Industries Department.	Public Works Department.	Local Self-Government Department.	Education Department.
(i)	43	59	28	15	13	17	27	20	15
(ii)	15	20	10	6	5	6	9	7	6

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member-in-charge be pleased to state the principle on which promotion is made from Lower to Upper Division?

The Hon'ble Mr. A. MARR: This is laid down in the rules. Promotion is regulated purely by efficiency and promotion.

Unstarred Question

(answer to which was laid on the table).

Appointment of Muhammadans in the ministerial establishment in Government offices in Bengal.

84. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the maximum provision for appointment in the ministerial establishment in Government offices in Bengal is—

(*i*) one-third for Muhammadans; and

(*ii*) two-thirds for non-Muhammadans?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) removing this bar; and

(*ii*) giving every alternative vacancy to a Muhammadan after one-third proportion has been reached?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) and (*b*) The member is referred to the reply given to the identical starred question No. 74 asked by Maulvi Azizur Rahman in the current session.

DEMANDS FOR GRANTS.

8.—Forests, and 8A.—Forest—Capital outlay charged to Revenue and 52A.—Forest—Capital outlay not charged to Revenue.

MEMBER in charge of REVENUE (FOREST) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): On the recommendation of His Excellency the Governor I beg to move that a sum of

Rs. 11,44,000 be granted for expenditure under heads "8.—Forests" and "8A.—Forest—Capital Outlay charged to Revenue" and "52A.—Forest—Capital Outlay not charged to Revenue."

Sir, I think it will simplify matters and will clear the air if I may be permitted to make some observations on the general position as regards this department. Members of this House will notice that the demand for this year exceeds that of last year by Rs. 1,73,000. The chief reason for this is that it has been proposed to introduce a complete change in the management of the Forest division of Sundarbans by establishing what are called Ranges. My predecessor last year referred to this scheme, but unfortunately owing to stringency in our financial position it could not be given effect to. Well, Sir, the Department of Forest is a *quasi* commercial department. It is indeed a very paying concern. It will be seen that deducting capital and recurring expenditure there was in the past roughly a clear profit of about Rs. 12,00,000 annually. Last year the net profit came to even more, viz., Rs. 14,00,000. For various reasons our finances in Bengal are crippled, and therefore it is all the more reason why we should concentrate upon this department. The scheme, I am referring to, is likely to cost Rs. ¾ lakh as non-recurring, and nearly Rs. ½ lakh as recurring charges. The present system of management of the Sundarbans Division is wasteful and destructive of the capital stock of the forest which is cleaned out owing to the absence of any adequate local agency for the supervision of these forests. At present, proper methods are applied to the destruction of *Sundri* wood only. A coupe is marked off, trees are enumerated, marked for cutting, sold by auction and extracted by the purchasers under close supervision. As a result of this, two important species *Baen* and *Gengooa*, valuable for match making and fuel, have been heavily over-cut. During the last 30 years the demand for *Gengooa* for fuel and house-posts has increased enormously, particularly in the neighbourhood of Calcutta; lastly, has come the great development of the match industry in India. For instance, during the last few years the outturn of *Gengooa* has risen from 6 lakhs of cubit feet (including fuel) to 85 lakhs (excluding fuel). The demand for these varieties of forest produce and also for *golpatta* must be met almost entirely from the forests of the Sundarbans, but enumerations of trees since 1926 have disclosed the almost entire absence of older classes of *Sundri*, *Baen*, *Gengooa* and *Dondol*. In fact, Sir, we have for years been eating, and eating heavily, into our capital. In March 1927, the Inspector-General of Forests advised Government that "without proper working plans of all types, the forests of the Sundarbans, a valuable possession of the Government of Bengal, will be ruined and without a properly organised staff of Assistants and Rangers with territorial charges, it is quite impossible to manage the forests." The position, Sir, has become so grave that

Government is faced with the alternative of prohibiting the felling of several species and limiting the output of *Gengooa* to half its present volume, or the introduction of proper methods of control over the 3,500 square miles of this area. The complete closing down of the extraction of *Gengooa* has even been recommended, but this would seriously affect most of the match factories in Calcutta. Already the effects of uncontrolled fellings are being felt. During the year 1928-29, the revenue of the division fell by about Rs. 1,00,000. During this year it is estimated that there will be a further fall of revenue of about Rs. 80,000.

Now, Sir, the system which it is proposed to introduce will preserve the capital stock and permit the extraction, under proper control, of the yearly increase only, so that the forest will continue to be an asset of undiminished value to Bengal and secure to future generations of the population of Calcutta and neighbourhood, the maximum yearly supply of forest produce consistent with the permanence of the forest as a capital asset. The cost of the scheme, as I have already stated, is approximately Rs. ¾ lakh in respect of capital cost for new boats and dingis, and nearly Rs. ½ lakh for recurring charges. The scheme has been pruned of all non-essentials. Each of the four ranges which it is proposed to establish will extend over 800 square miles of forests and the necessity for a motor launch to enable the range staff to get about this area is apparent. Boats have also to be provided for the staff to live in: conditions in the Sundarbans are at times, as may well be imagined, extremely disagreeable.

Sir, in placing this proposal before the Council, Government is acting on the principle which a prudent man of business would always follow. Clearly the preservation of existing assets is a matter which calls for immediate attention. Moreover, it is from this forest division that one-third of the total revenue of the Department is derived.

Sir, the increase in the demand under the head "8.—Forests" is mainly due to this provision for expenditure on the introduction of the Range system in the Sundarbans Forest Division, and secondly for carrying out what are called khedda operations in the Chittagong and Cox's Bazar Forest divisions in the next financial year. I need not say much on this subject. The operations are nearly always remunerative, and, on administrative and other grounds, it is necessary to keep the number of wild elephants within limits. The balance of the increase is required to meet normal and unavoidable expenditure. While the revenue, it will be seen, has increased from Rs. 19,55,000 in 1918-19 to the figure of Rs. 31,18,357 in 1928-29, the expenditure has increased from Rs. 11,22,000 to Rs. 16,82,008 during that period. The increase in the revenue is thus double the increase in expenditure. In the circumstances, I am confident that the Council will agree with me that the demand is extremely moderate. The new expenditure is

of a kind which should appeal to all sides of the Council, because not only will it immediately preserve our existing capital asset, but it can be anticipated, with confidence, that in time it will improve our income also.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 9,59,000 under the head "8.—Forests" be reduced by Rs. 1,000 (to draw attention to the necessity for establishing a college of forestry in Bengal).

Sir, it is apparent from the speech of the Hon'ble Member that the Forest Department of Bengal is of no mean order. Government realises a large revenue from this department. On referring to the budget it will be seen that the net receipts in the year 1928-29 were as large as Rs. 31,18,357, and in the next year's budget, the estimated receipts are put at Rs. 28,61,000. The Hon'ble Member has explained that the Government is bent upon further new projects for the development of the department. All that is reasonable enough, I think, for my proposition, that there should be a college of forestry in Bengal. The present arrangement for the Bengali students to go to Dera Dun for education in forestry is beset with many difficulties and I think there is no reason why Bengali students should be deprived of the opportunity of receiving their education in a college of forestry in Bengal.

With these few words I beg to move my motion.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I may say at the outset that my thanks are due to Maulvi Tamizuddin Khan who has also pointed to the vast income that is derived yearly from this department. The profit that is derived from this department cannot be spent on this department only; it is used for other purposes as well.

As regards the question of a college of forestry in Bengal, I should like to explain to the hon'ble mover for his information that we have in Bengal a Forest School at Kurseong. It is intended primarily for the instruction in practical forest work of the sub-executive establishment of the Bengal and Bihar-Orissa Forest Circles, below the grade of Forest Rangers, and of men sent for instruction by Indian States under the control of their Governments. If, after meeting their requirements, seats are available, private students may be admitted at the discretion of the Conservator of Forests. Candidates from the provinces selected for the Rangers Course are at present trained at the Forest Research Institute at Dera Dun.

Sir, since November, 1926, a course of instruction in forestry up to the standard required for the Indian Forest Service has been inaugurated at the Dera Dun College, and all recruits in India for the

Indian Forest Service are trained at that College instead of being sent to Europe for training. The advantages of a central institution for instruction of this kind are obvious. I might say for myself that I welcome the proposal which has been mooted by Maulvi Tamizuddin Khan, not for establishing a college but for establishing a school of forestry in Bengal. I may tell him that only recently Government considered, and very carefully considered, the question of the training of Rangers for Bengal locally; but, as usual, owing to financial stringency, effect has not been given to the proposal. I hope, however, that if our finances improve, we should be in a position to consider the question of establishing a school in Bengal. In view of what I have said, I think my friend will agree with me that it will not serve any useful purpose for him to press the motion. I would, therefore, ask him not to press it.

The motion of Maulvi Tamizuddin Khan was then, by leave of the Council, withdrawn.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 9,59,000 under the head "8.—Forest" be reduced by Rs. 100 (to inquire into the urgency of the circumstances under which ranges are being formed at the Sundarbans involving large expenses).

Sir, the Hon'ble Member has given certain information as regards the necessity of ranges being started in the Sundarbans area. I certainly congratulate him in his efforts to drive out the wild elephants as much as to see that they might find a safe place in the Sundarbans. But my complaint actually remains the same. The Hon'ble Member has said that he has made it a commercial proposition and he hopes that the revenue yielded will be a reasonable return on the capital invested. He is the Member-in-charge not only of forests but also of irrigation and therefore, we are familiar with so many commercial propositions in the Irrigation Department that we are very shy to take his scheme at its proper value. The complaint of the House is that schemes are sprung upon it without details being put forward. Members of the House have a right to see as to whether the proposition is really a commercial one in the sense and it is with the intention, not so much of opposing the proposition itself, that I put this motion, I do that also to enquire into the urgency of the circumstances. How has the financial position improved in 1930 and how is the financial position better than what it was last year, and what had been for the last 7 or 8 years? What is the practical necessity of the scheme? It was only in reply to Maulvi Tamizuddin Khan that the Hon'ble Member has said that owing to financial stringency he has not been able to give as much sympathetic consideration to the scheme of Forest College as he wants to. There are certain phrases, one of which is efficiency and another is financial

stringency and these are capable of any interpretation which individual discretion may put on them. In view of that I consider that the Hon'ble Member should have put forward not merely the idea of driving wild elephants, not merely the purchase of a steam launch for the forest officer, but the details of estimates of the scheme and of the circumstances under which the forest budget has got an addition not only of an amount of Rs. 14,000 in recurring charges but of Rs. 78,000 in respect of non-recurring charges. I submit that the House has the right to know the circumstances under which this proposal has been put forth.

Mr. W. L. TRAVERS: Sir, I rise to say a few words in opposition to the motion moved by Khan Bahadur Maulvi Azizul Haque. I myself reside in a forest area and I have more than once visited the forest in the Sundarbans which is concerned with this motion. First of all, Sir, there can be no doubt that the present system under which these forests have been used is contrary to all methods of economy. The forests are at present being cut out far too rapidly and will be destroyed. Under these conditions certain trades are flourishing. But we must remember that if the present system is allowed to continue, within a very few years there will be no timber for these trades and they will come to a stop altogether. If proper methods of conservation are not taken, these trades will continue for sometime but will suffer in future. There is another point involved in this motion. It is this: the province of Bengal during the last two years has taken far too much capital out of its funds. The percentage that has gone into revenue has been far too large and the amount which has been put back into the forests for development has been far less than what is done in any country in the world. For the last few years we have been living on capital. Although the position is so serious, yet my party cannot recommend any such policy as that of living on forest capital, because it will mean not only economic loss but would also mean suffering. Therefore on behalf of my party I would oppose this motion.

[3-30 p.m.]

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I must convey my thanks to Khan Bahadur Azizul Haque for conveying to this House the most interesting news that the Sundarbans are full of elephants. When I spoke of khedda operations I certainly made it clear that these operations were confined to Chittagong and not to Sundarbans. But as I have said I am obliged to my hon'ble friend that although there may not be elephants of the proper colour in the Sundarbans there may be perhaps some white elephants of which I did not know.

As regards his being shy of the new project, I need only point out the patent fact that the net income which has been derived from the working of the Forest Department is written in bold letters throughout the

Finance Department papers. The net income has been all along, as I have pointed out, about Rs. 12 lakhs annually and it has increased to Rs. 14 lakhs last year. My hon'ble friend has told the House that I am the guilty person who has suddenly sprung upon this House this new scheme. May I tell him that the scheme has been before the House since a pretty long time because it was referred to by my predecessor in office and if finance permitted the scheme would have gone through during his time. The Khan Bahadur has also stated that he is opposed to the use of what is called in common parlance, a phrase such as "financial stringency." I can assure him that even in this department there is such a thing as financial stringency because of the fact that the income in this department is not left to be spent entirely for the purpose of this department. If that had been the case I would have certainly welcomed many proposals including the one which has been mentioned by the previous speaker.

Well, Sir, I am quite prepared to give the Khan Bahadur some more information with regard to the scheme about which he is anxious to know more details.

The proposal for the formation of ranges in the Sundarbans Division is of the first importance for the management of the Sundarbans forests which extend over an area of 2,300 square miles.

In the previous working plan of the Division there was only one working circle and only one species (*Sundri*) was enumerated; for this species alone prescriptions were made. Extraction of other species was unrestricted and is so at the present time. In 1926, Government sanctioned the revision of the working plan. The present system of management by revenue stations is wasteful and destructive of the capital stock of the forest, and has resulted in overcutting of *Sundri* and other species. The revenue stations are situated outside the Forest Division and royalty is realised at these stations on any produce extracted. Control over fellings in the forests cannot be exercised from these stations.

It is now proposed to introduce the range system into this division. The difference between the range and revenue system is that in the latter there is no control over felling. Under the range system the forest is divided into ranges of suitable size in which the Range Officer can control fellings. The system which it is proposed to introduce will, as stated in my introductory speech, preserve the capital stock of the forest and permit the extraction, under proper control, of only the yearly increase—so that the forest will continue to be an asset of undiminished value and secure to the future generations of the population of Calcutta and the neighbourhood the maximum yearly supply of forest produce consistent with the permanence of the forest as a capital asset.

At present proper methods are applied to the extraction of *Sundri* wood only. As already explained by me, a coupe is marked off, trees are enumerated, marked for cutting, sold by auction, and extracted by the purchasers under close supervision. All other species are cut by traders without supervision. The forest is surrounded by a ring of revenue stations. A trader entering the forest takes a licence at one or other of the stations paying the proper fee with regard to the kind of produce he wants and the capacity of his boat. When he comes out again the Revenue Officer checks his cargo against his pass.

If a trader takes out a permit for logs he goes into the forest and selects the best trees he can find. He cuts them down and selects the best log each tree will yield. All the rest is left to rot in the forest though the top of the tree might give useful poles for house building. A trader wanting poles cuts down vigorous young trees. None of the branches are used for fuel by traders taking out fuel licences who work independently. Trees are felled carelessly, so that young trees are destroyed. Local inspection of areas has shown clear evidence of this sort of waste.

There are at present 27 Revenue Officers. Under the new system there will be Forest Guards with boats and boatmen at these stations to issue entry passes and measure and register boats. They will not collect revenue for forest produce.

The proposal is to divide the forest into four ranges. Each Ranger will be provided with a motor boat in which he can live and move about rapidly. The necessary accommodation boats, water boats and dinghis and additional staff are to be provided for. With the extra staff and the boats, it will be possible to mark off coupes for each kind of produce in each range and supervise the extraction of all forest produce. It is not expected that the scheme will immediately bring in extra revenue to set off against the extra cost of the scheme. The object of the scheme is to preserve the forest from gradual destruction. There is no doubt that the scheme by eliminating the present wholesale waste will save each year more than it will cost.

I may also mention that if the Khan Bahadur takes the trouble to come and see me in my office I should be delighted to give him further information about the scheme and if he likes I am prepared to place at his disposal figures in detail which will conclusively prove that the scheme is one of the soundest investments that can be found. In the circumstances I hope my hon'ble friend will see his way not to press his motion.

Khan Bahadur Maulvi AZIZUL HAQUE: My idea was to get information and also to warn Government against commercial new ventures without central scrutiny. My purpose having been served I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 9,59,000 under the head '8.—Forest' be reduced by Re. 1 (to raise a discussiou about the policy of the Forest Department and the expenditure involved)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 11,675 under the head '8A.—On account of Organisation, Improvement, etc.—Working Plans' be reduced by Rs. 5,675."

The motion that a sum of Rs. 11,44,000 be granted for expenditure under the heads "8.—Forests" and "8A.—Forest—Capital Outlay charged to Revenue" and "52A.—Forest—Capital Outlay not charged to Revenue" was then put and agreed to.

9.—Registration.

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 22,09,000 be granted for expenditure under the head "9.—Registration."

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 8,000 under the head '9A.—Registration—Superintendence—Travelling Allowance' be reduced by Rs. 2,000."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 1,000 under the head '9A.—Registration—Superintendence—Miscellaneous Charges' be refused."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 86,000 under the head '9A.—Registration—Superintendence' be reduced by Rs. 10,000 (question of policy and economy involved)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 10,000 under the head '9B.—Registration—District Charges—Supplies and services' be refused."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 1,20,240 under the head '9B.—Registration—District Charges—Other contingencies' be reduced by Rs. 70,240."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 60,000 under the head '9B.—Registration—District Charges—Cost of transmission of landlord's fees—Contingencies' be reduced by Rs. 35,000."

Maulvi HASSAN ALI: Sir I beg to move that the demand for Rs. 1,23,000 under the head "9B.—Registration—District charges—Cost of transmission of landlord's fees" be refused.

Sir, at the outset I must say that I do not profess to have the honour to belong to the Praja party, nor do I claim to be a messenger of the ill-fated raiyats of Bengal which some of my friends called themselves to be, yet the tenants' blood runs through my veins and I feel myself duty bound to move this motion of refusal by way of raising a protest against the long chain of unprofitable, unjust, inequitable, unconscionable and oppressive land laws recently engineered by Government and of which the deposit and transmission provisions have formed but the last links.

Sir, I want to refuse this and why? I do not care that I have not been a zamindar, nor do I regret that I am a tenant. I do not care much that the amended provisions of the Tenancy Act are most derogatory to some individual tenant's interests. But what I much care for is the welfare of the country as a whole—what I do much care for is the prosperity, peace and tranquillity of the nation as a whole. I desire to see the prosperity of the Hindus in this, their own land. I want to see Mussalmans may prosper in Bengal which is no less their own, I desire the welfare of the zamindars, I desire the welfare of the tenants; the zamindars and tenants, in fact every section of the population. I do claim them as my own; I regard them as nothing but different parts of the one and same organic whole.

I, therefore, raise a protest against that piece of legislation which is most arbitrary and which has disturbed to its foundations the harmony, goodwill and amity that existed in the proverbially good and beautiful land of ours. I do raise a vehement protest against that policy of law which divides the people. I protest against it because it favours one section of people and injures the other. I cannot support that legislation which has its motive to raise one class of people and to keep down another. Sir, you will allow me to say here in this connection that we cannot fail to see that there has always been a political motive with our rulers in this country behind every piece of legislative enactment in relation to the lands of the country. Far back in the year 1793, some people were made tillers of the soil and consequently we see that by the memorable Permanent Settlement the real rightful owners of the soil have been reduced to so many veritable helots and slaves dragging on

a miserable life of their own and at the same time administering to the luxuries of the zamindars and for the matter of that to the whims of the Government.

Mr. PRESIDENT: Order, order, the member is going beyond the scope of his motion.

[3-45 p.m.]

Maulvi HASSAN ALI: The zamindars and the zamindary system have been a veritable curse upon our once beautiful land. It is not congenial to our country. It is not the product of our soil. It is the direct outcome of the Britishers' ingenious policy of "divide and rule."

Mr. PRESIDENT: Order, order. You are going too far. You cannot discuss the zamindary system which is a matter too wide for your motion. The question of the Permanent Settlement is not before the House.

Maulvi HASSAN ALI: I have already said that unless the law is changed this state cannot be remedied.

Mr. PRESIDENT: You are at liberty to protest against the cost of transmission of landlord's fees or to suggest such procedure of transmission of landlord's fees as will be less expensive or more convenient but I cannot permit you to discuss the zamindary system under this motion.

Maulvi HASSAN ALI: I bow to your ruling, Sir.

Mr. PRESIDENT: If you have no such suggestion to make or find it difficult to alter your set speech in accordance with my instructions I would ask you to formally move your motion.

Maulvi HASSAN ALI: I want to make some further remarks.

Mr. PRESIDENT: Yes, you may if they are relevant but I hope you will remember my instructions.

Maulvi HASSAN ALI: Yes, Sir. It is a well known principle of law, equity and good conscience that any one having a legal right may waive, may forego his right if he so desires. The deposit and transmission provisions of the Bengal Tenancy (Amendment) Act have been direct violation of that principle. The rate of 20 per cent. *nazar* is most exorbitant there is no doubt about it. I know there are good landlords in our good country.

Mr. PRESIDENT: You are again drifting away from your motion. I cannot allow you to proceed any further. You may move your motion formally.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. From what the member said I understood him to suggest that some procedure should be devised by which the transmission of landlords' fees might be simplified, both in the interest of landlords and tenants.

Mr. PRESIDENT: That is not a point of order but an argument; I am not prepared to hear any argument from any member on behalf of Mr. Hassan Ali so long as he himself is in possession of the House.

Maulvi HASSAN ALI: I beg to move that the demand for Rs. 1,23,000 under the head "9B.—Registration—District Charges—Cost of transmission of landlords' fees" be refused.

Dr. NARESH CHANDRA SEN GUPTA: I think—and there can be no question or doubt in the mind of anybody who has seen the working of the system introduced by the Bengal Tenancy (Amendment) Act that the elaborate scheme which has been devised for the transmission of the landlords' fees by the registration office has benefited neither the landlords nor the tenants. As a matter of fact in most of the cases where the landlords consist of co-sharers it is impossible for them to receive payment of landlords' fee. The rules provide conditions for the transmission which cannot be complied with by most of the co-sharer landlords and the number of co-sharer landlords is legion in this province. I think I shall be borne out by the Treasury benches when I say that already in spite of the great shyness of the people in the matter of sales a large amount of landlords' fee has accumulated in the hands of the collectors without anybody coming to claim them. It is certainly time that this system should be revised and replaced by some means which would make it unnecessary for the tenants to deposit the landlords' fee in the registration office when these landlords acknowledge receipt of payment. That would simplify the procedure and save the poor people at least 2 per cent. of the purchase money which they have got to pay. I think it is high time that the revision should be undertaken. From what I have learnt from enquiries in my own constituency I find that small landlords feel it a great grievance. It is a grievance of the landlords and I am supported in this opinion by the fact that a motion of a somewhat similar character has been tabled by the Raja Bahadur of Nashipur himself. I think, therefore, that Government should take up this matter and revise the procedure in such a manner as would make it profitable to the landlords as well as to tenants without going into the question of policy. It is perfectly clear that by passing the Bengal Tenancy (Amendment) Act the representatives of the landlords and the tenants have managed to put some money into the pockets of Government and I do not think that either the landlords or the tenants are quite happy about it. They must be feeling somewhat like

the famous cats quarrelling over a bit of cheese when they went to another animal for judgment and I think that the Hon'ble Member himself must feel that the results are not quite satisfactory. In this view I support the motion.

Mr. SANTI SHEKHARESWAR ROY: Now that Government are charging for the transmission of landlords' fees I think that some better arrangement should be made in that respect. Even in the case of sole landlords I find that unusual delay takes place in sending money to them. From my own experience as a landlord in the district of Rajshahi I can say that when this matter was brought to the notice of the district authorities they wrote back in reply that the staff was overworked and so there was delay. But as Government are charging a fee for this service I think we can expect that some additional staff should be employed to expedite the work. From this point of view I support this motion.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: So far practically no case has been made out for refusing this grant, the Registration Department has got to operate and accept the landlords' fees and perform the duties that it has been called upon to do under the Act. I do not see how the Council can accept this amendment unless and until the Act is revised. As pointed out by you, Sir, no one has come up with any practical suggestion for reducing expenditure or giving effect to the clauses of the Act under which landlords' fees are to be transmitted. In yesterday's debate this question was also raised. The suggestion to amend the Bengal Tenancy (Amendment) Act is too early yet. We do not know how it is going to affect the people—both the landlords and the tenants. I think an opportunity should be given us to see how the Act operates and we ought to have more experience and information with regard to the operation of the Act before Government can come forward with proposals to amend the Act.

The motion of Maulvi Hassan Ali was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Bose, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Asiraffuddin.
Choudhury, Maulvi Nural Absar.
Choudhury, Maulvi Abdul Ghani.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mookerjee, Mr. Syamaprasad.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Rouf, Babu Nasoni.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Bose, Mr. S. M.
Burral, Babu Gokul Chand.
Casselis, Mr. A.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sueil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gupta, Mr. J. H.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Law, Mr. Surendra Nath
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Khettar Mohan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Ray Chowdhury, Babu Satish Chandra.
Rose, Mr. G. F.
Roy, Babu Satyendra Nath.
Ray, Maharaja Jagadish Nath, of Dinajpur.
Ray, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Skinner, Mr. S. A.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 28 and the Noes 67, the motion was lost.

4 p.m.

The following motions were called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,23,000 under the head '9B.—Registration—District Charges—Total cost of transmission of landlord's fees' be reduced by Rs. 100 (to disapprove of the exorbitant costs levied for transmission of landlord's fees)."

Raja Bahadur BHUPENRA NARAYAN SINHA, of Nashipur: "That the demand of Rs. 1,23,000 under the head '9B.—Registration—Total cost of transmission of landlord's fees' be reduced by Re. 1 (to draw the attention to the incorrect procedure of recording and realising the landlord's fees and of the want of scrutiny to the real interest of the depositors)."

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 1,23,000 under the head '9B.—Registration—District Charges—Cost of transmission of landlord's fees' be reduced by Re. 1 (to draw attention to the grievance of Sub-Registrars in not receiving an extra remuneration on account of the extra work done in connection with their duties under the Bengal Tenancy Act)."

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 22,09,000 under the head "9.—Registration" be reduced by Rs. 1,000 (to criticise the method of recruitment of Muhammadan Marriage Registrars and *Kazis*).

I think all the members of this House are not aware of the fact that in this province there is a class of officers known as Muhammadan Marriage Registrars and *Kazis*. These officers perform some very important functions. They register Muhammadan marriages, when the parties approach them for such registration. They also register divorces. They are also deputed by magistrates to inquire into cases which involve questions of Muhammadan marriage or divorce. These officers are creations of an Act of the Bengal Council, viz., Act No. I of 1876. Since then Government has been trying various methods for recruiting these officers. Some time ago, the method was that in every district there was an advisory local committee. Those committees made recommendations to the registrars of districts, who in their turn recommended to the Inspector-General of Registration, and finally the appointments were made by the Hon'ble Minister or Member in charge. Recently, however, that method was altered, and now, instead of district committees, we have got a central committee, who make certain recommendations, and it is on these recommendations that appointments are made. Naturally, Sir, on this central committee members from all the districts have no seats. Therefore, the central committee have not got that local knowledge which the district advisory committees had. I do not say, Sir, that the district advisory committees worked very satisfactorily in every place. There might have been defects, but, so far as the present system is concerned, it seems to me more defective. Now, I think that a good deal depends upon the proper recruitment of these officers. Although this subject primarily concerns the Muhammadans, I think it is very important from the point of view of the whole Bengali people, for some of these Muhammadan registrars have earned a very bad name for themselves. Very often they register marriages which they should not have registered at all under the law. Very often they register divorces which they should not have registered at all. In a word, many of these officers are not at all honest officers. Why? So far as the present times are concerned, a large number of honest and competent men are available, but on account of the defective method of recruitment in force, such honest people have got very little chance of getting into the service,

whereas undesirable find it very easy to get in under the present method and if they once get in, they not only injure the people by extorting money from them right and left, but they also injure the morals of the people. These officers are not only styled as marriage registrars, but they are also given the dignified title of *kazis*. Every one knows that *kazis* were the judicial officers during Muhammadan rule. And so the illiterate people amongst the Muhammadans look upon these officers with a great deal of veneration. But unfortunately many of these *kazis* on account of the nefarious methods which they adopt in dealing with people have earned for themselves a very bad name.

Therefore, I think, Sir, that proper care should be taken in recruiting these Muhammadan marriage registrars. I have known, Sir, of cases in which people who had not the least chance of being appointed in any other service were appointed as marriage registrars. I know of a man, who was dismissed from service when he was a sub-registrar, was provided with the office of a marriage registrar. These posts are very lucrative. In East Bengal, for example, in several districts the income of these officers comes up to as high a figure as Rs. 300 or Rs. 400 per month on an average. It is incumbent, therefore, upon Government to see that proper men are selected, and I think it is not at all difficult for Government to make good selections for these appointments.

In my opinion, some sort of examination should be resorted to for the recruitment of these officers, and I think it is up to Government to revise their present policy and to replace the present method of recruitment by one of examinations. There may be difficulties. We are told of difficulties in season and out of season, but as this is a very very important matter, I hope Government will not shirk its responsibility and evolve some proper method so that undesirable men may be debarred from entering the service and injuring the morals of the people.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, I regret very much the tenor of the speech that has just now been delivered by Maulvi Tamizuddin Khan. I feel that he has generalised from one or two instances of bad behaviour and dishonest work of the *kazis*. There can be no question that the *kazis* wield considerable influence over the people in the places where they are posted. I hold that generally speaking they do a great deal of very good and useful work, and it is not fair to characterise all of them as being open to bribery and corruption, simply because in one or two rare instances they may have been guilty of this kind of offence.

4-15 p.m.

I am afraid that Maulvi Tamizuddin Khan has not only criticised Government as regards the method of selection of these officers, but has also indirectly criticised members of this Council. He has said that the

present method of recruiting marriage registrars is unsatisfactory, because by this method we get men who are not of reliable character, and who are not always the best men. I may point out that the committee which now selects these men is largely composed of members of the Legislative Council; and I am sure you can expect no better men to compose that body than the members of the Legislative Council. Secondly, Sir, I do not see how the new method of recruitment could be criticised by Maulvi Tamizuddin Khan. So far the first batch of men, I think were appointed only about a month or a month and a half ago: the new system came into force from the 14th of August 1929. How is it possible to say that the men who were only appointed recently have not been working satisfactorily? Whatever might have been the defects of the men who were appointed under the old system and it is possible there might have been some whose appointment will be difficult to justify, you cannot condemn the new system, because the men who have been appointed have not had an opportunity of showing their work and what type of men they are. I feel that sufficient time should be given to see how this method of recruitment works. The reason why we changed from the old method was not because there were complaints against the men appointed but because there were complaints against the district committees. I hope the hon'ble mover will realise that we ought to give this new method a fair trial, and if it is found to work unsatisfactorily, then we can consider whether there should be some other method or not. I may also say that the idea of an examination is not very satisfactory for appointments of this kind, because the marriage registrars should not be appointed merely on academic qualifications, but they should be men who have some sort of personality so that they can exercise some influence over the people in the locality in which they have to work. Most of the people in the mufassal are not educated and it is often found that the *kazis* and marriage registrars take a great deal of interest in the uplift of the people. Therefore, when appointing them, I think mere academic qualifications should not be the sole criterion by which they should be appointed, the other questions should be taken into consideration. Therefore, in view of what I have said, I hope the mover will withdraw his motion.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following motion was called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 22,09,000 under the head '9.—Registration' be reduced by Rs. 100' (to raise a discussion on the policy and general administration of the department)."

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 22,09,000 under the head "9.—Registration" be reduced by Rs. 100 (to draw attention to the necessity of amending the Muhammadan

Marriage Registration Act in the light of experience gathered from the working of the Act particularly with a view to fix the realisations made by Muhammadan Marriage Registrars by way of *nazar*).

Sir, I have already pointed out in connection with the last motion that it was in the year 1876, that the Muhammadan Marriages and Divorces Registration Act was passed. Since then there has been no amendment of the Act as far as I know. Now that Act provides, or rather one section of that Act, viz., section 9, provides for a fee of Re. 1 which a marriage registrar can legitimately levy for each registration of a marriage or a divorce. So far as this is concerned that was alright in 1876. But there is another section in the Act, namely 10, which runs thus:—

> "Nothing in the preceding section shall be held to prohibit a marriage registrar from receiving a gratuity in excess of the prescribed fee of one rupee when such gratuity is voluntarily tendered."

That section has been causing a tremendous mischief and it seems to be strange that the Government is sleeping over all that. Of course the section says that the registrar can receive *nazar* if voluntarily paid. But if the people are told that they are not bound to pay anything then no one would pay anything. Therefore what some of the marriage registrars do is that they tell the parties that they have to pay a certain amount which ranges from Rs. 5 to even Rs. 10. This money is partically extorted by the Muhammadan registrars under the cover of section 10 of the Act. I do not say that the fee of Re. 1 is sufficient for marriage registrars, that is quite inadequate. The fee should be raised to an amount which would satisfy the registrars and which also would leave no room for the marriage registrars to rob the parties who come to them to register marriages or divorces. It may be said that if the fee is fixed then also the people will be robbed as they are being done at present. But as soon as the people come to know that there is a fixed fee, the marriage registrars will not be able to extort any money from them. Even now-a-days people pay one rupee quite willingly because they know that the fee is compulsory. But as there is no provision as to the amount of *nazar* because of the provision of the section 10 in the Act unscrupulous marriage registrars can easily cheat the ignorant people. This seems to me to be an anomalous state of things. I think many members of this House would remember that there was a day when the sub-registrars had no fixed salary, but they used to receive certain fees. I think it is remembered by elderly gentlemen that in those days there was a good deal of corruption prevalent amongst those sub-registrars. But since the sub-registrars are being paid fixed salaries all those practices have vanished and now the service is quite a creditable one. Similarly, in the case of Muhammadan marriage registrars

if the Act is not amended and the provision for receiving *nazar* from the people is not done away with then, I think, the unscrupulous amongst them will go on robbing the people and extorting money from them. I do not know on what ground the Hon'ble Minister would try to support even this provision of the Act. I think that in the light of experience which has been gathered during the long period of 54 years since the Act was passed it is high time that an amendment of the Act should be made.

With these few words I recommend the motion for the acceptance of the House.

Maulvi SYED MAJID BAKSH: I beg to support the motion of reducing this demand which has been moved by Maulvi Tamizuddin Khan. There is a general complaint that the things which are done by *kazis* are reprehensible and that is why many people are shy of going to them. Apart from the fact that whatever high fees these *kazis* may think of are demanded, they create all sorts of trouble. When a marriage is arranged for, they sometimes refuse to register it unless the people respond to their demand of a substantial sum by way of *nazarana*. As the amount is fixed, they write it in their books and the rest they take as hush money without mentioning it in their books. I think Government should pay serious consideration to what my friend the mover has said. What I would suggest is to fix the salary of *kazis* at, say, Rs. 40 or Rs. 50 on which a man can live and be above the reach of temptation. The very fact that he is a Government servant will deter him from resorting to corrupt practices, and he will know that the hand of law will be upon him and that will deter him from resorting to the corrupt practices. This is a matter, Sir, which primarily concerns the morality of the people. Scandals often crop up in criminal courts about marriages and divorces where as a matter of fact, criminal offences relating to abduction or bigamy the marriage has to be proved and a ridiculous sight is often seen, when both persons claim a woman as wife and both produce a certificate of some *kazi* or other. This is a sight which at any rate for the dignity of the court should not be brought before it. Therefore, I would suggest that if instead of the *nazarana* a fixed amount be laid down, confidence will be created and the department will be self-supporting. The matter has become so bad that it is high time for Government to intervene in the matter. The matter of marriages which is a vital one has been made a plaything not only in private but also publicly before the courts. I am really mortified to see this sort of lowering the standard of marriage. Therefore, in the interests of the people concerned, I would request Government to intervene in the matter by fixing whatever salary Government might deem reasonable and not to allow marriages to be made a plaything.

[At 4-30 p.m., the Council was adjourned for prayer and it reassembled at 4-40 p.m.]

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, I feel a great deal can be said both for and against the practice of allowing the marriage registrars to accept *nazarana*. But in view of what has been said in this Council, Government would be prepared to hold an enquiry into the methods of rates and remuneration of the marriage registrars and if it is found on enquiry that a change is necessary, we will favourably consider the suggestion.

Maulvi TAMIZUDDIN KHAN: I could not exactly follow what the Hon'ble Minister said.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I said that Government would be prepared to hold an enquiry into the method of rates and remunerations to be paid to the marriage registrars. That covers the point about the abolition of *nazarana*.

The motion of Maulvi Tamizuddin Khan was then, by leave of the Council, withdrawn.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg leave to move that the demand of Rs. 22,09,000 under the head "9.—Registration" be reduced by Re. 1 (general policy with reference to backward classes).

Sir, I admit the language in which the motion is couched is not very happy. I shall briefly explain what I mean. I want to draw the attention of the House to the attitude and the policy of the Government which have been generally followed up to date with reference to the millions of people known as the backward classes regarding the distribution of State patronage. And the figure is not very insignificant; for it was pointed out last year by the Government of Bengal to the Statutory Commission that it was 11½ millions of people out of a total population of 46½ millions in this province. The Calcutta University Commission's Report and the Census Report of Bengal almost agree in this with some modifications here and there. The fact is undisputed that there is this large number of people almost one-fourth of the total population living in this country. The question now is whether there is any duty or obligation cast upon the State or upon those who are loud in their cries that they are the Heaven-born leaders of the masses in this country. Has anything been done by either body to ameliorate their condition and also to remove the difficulties and grievances under which they have been suffering from time immemorial or rather the grievances which have been thrown upon them as a joint effect of the several measures adopted by the Government under the ill-advice of these so-called leaders of the country and the system prevalent in this

country in the name of religion and *shastras*? The words uttered by the late Mr. C. R. Das in this House sometime ago in connection with the general discussion on the budget are still ringing in my ears. He said that there were no depressed classes in this country but there had been oppressed classes—oppressed equally by the Government and the advanced people of this country.

Now, Sir, I do not propose to take too long of the valuable time of the House by attempting at a detailed discussion of the past events regarding the treatment accorded by the several privileged classes and by the Government towards these millions of people who are also inhabitants of this country. I shall only confine myself to the present subject, namely, whether these people have any justification at all in asking for any share in the administration specially in the department of Registration. We have been told of the old dictum "First deserve and then desire." The question, therefore, resolves itself to one of fitness or otherwise of the candidates belonging to these classes in demanding a share in the administration and in asking for State patronage.

Now, Sir, it must be admitted that for a Government to run its administration smoothly and justly, it must know definitely that its subjects have confidence in its administration. When that confidence is shaken in any small degree in the minds of a fair proportion of its subjects, the Government is at once put upon an enquiry as to its causes and upon a proper investigation, try and remove that want of confidence, however small the degree may be.

The history of all movements for political advancement in this country shows unmistakably that people have asked for more powers for which they think they are qualified. I shall not go very far back, but I shall only call attention to the inauguration of the Reforms in or about 1920 in this country. If I have been able to follow the spirit embodied in the same aright, one finds that two things are made distinctly clear: first, it is said that the legislature will be widened with wider and larger franchise and secondly, that Indians would be appointed to higher administrative posts. And this has been done with the spirit and the hope that Indians as a whole might be able to develop a responsible administration within the British Empire. As a result we find the existence of the Councils constituted as they are in the present moment. We also find the division of the provincial administration into Reserved and Transferred subjects. On the Reserved side also we find a division between the Europeans and the natives of the soil.

Now, Sir, may I put this question to my hon'ble colleagues of this House—at any rate—to those who have been good enough to think of the condition of the millions of their backward fellow countrymen and to those who have been crying the loudest for more powers—what have

you done to ameliorate the condition of the millions of these people? Have you parted with anything that you had clung to up till now—even in the name of justice? Where is the evidence to show that you have raised even your little finger for this cause? Echo answers: "Oh, where!" In the name of religion, in the name of *shastras* the people of this unfortunate caste-ridden country have only treated their fellow beings even worse than beasts. In the present moment a change for the better is observed in some quarters. But this is due to nobody's generosity—not even to his justice. It is the effect of the time as was at one time said by a political giant of Great Britain to be the Grand Spiritual Doctor.

You become executive councillors, you become ministers, you become judges, you become magistrates—we have no objection. But pray be good and just enough not to raise any objection in the way of those very few of our candidates who qualify themselves for appointments in the subordinate departments as sub-registrars and such other departments—not for the sake of an appointment merely but for the sake of giving an impetus to the less educated brethern of theirs towards education as also to make them feel that they are also the inhabitants of this country.

Now, Sir, to come specifically to the department of Registration of the Government of Bengal, we had occasions to wait upon the rulers of the province with our grievances, when we had opportunities also to draw their attention to the just claims of the members of these backward classes. I myself had the proud privilege and high honour of leading several deputations before Lord Carmichael, Lord Ronaldshay, Lord Lytton and also before His Excellency Sir Stanley Jackson. I must admit that we had very sympathetic and encouraging replies to all our deputations. Lord Ronaldshay certainly made it clear when he said: "Regarding State patronage, you may rest assured that I and my Government will consider not only sympathetically but also justly and fairly the claims of those members of your communities who are qualified under the rules". Lord Lytton also said practically the same thing when he expressed himself thus: "Generally speaking you may rest assured that no qualified candidate of your community will ever be passed over on the ground of his caste". Now, Sir, regard being had to these principles as laid down by the Provincial Heads from time to time, may I enquire of the Government officers how have they been applied to practice? Perhaps, Sir, I will not be wrong when I say that these have been followed more in their breach than in their observance. I shall presently give one or two instances only. But, Sir, I would like to make it clear to all concerned that the Government have not done that little thing which they ought to have done as a matter of justice—nor have the so-called leaders of the country done anything—except showing their sympathy. We would like to tell them that we

thank you all ever so much for all your sympathies and it is high time now when we must have justice and fairness.

Maulvi SYED JALALUDDIN HASHEMY: On a point of order, Sir. Is the member in order in making those observations generally when we are discussing the grant under Registration?

Mr. PRESIDENT: Now that a point of order has been raised, I must say that the member did not confine his remarks to Registration only. He has, perhaps, mixed up his present motion with those of his under other heads. He will have opportunities later on to speak on them. I have been lenient to the member as he was making his maiden speech and speaking for backward classes. He will not be in order if he does not confine his remarks to the head "Registration".

Mr. MUKUNDA BEHARY MULLICK: I do not think I am out of order. However, if the Chair considers————.

Mr. PRESIDENT: Order, order. I must tell the member that it is not up to him to question or challenge any ruling of the Chair. He must confine his remarks to backward classes so far as they are affected under this particular head "Registration".

Mr. MUKUNDA BEHARY MULLICK: I would, therefore, with your permission, come to the head "Registration Department."

Sir, you will find that there are about 500 officers as sub-registrars in this department of Registration, but I think there are less than half-a-dozen of officers belonging to these backward classes in the whole cadre. The first appointment was made so far back as 1907, by Sir Lancelot Hare, the then Lieutenant-Governor of Eastern Bengal. Next came an appointment in 1918, when the candidate was appointed directly by His Excellency Lord Ronaldshay. He is a B. A. with distinction. You will pardon me, Sir, when I say that the unfortunate question of caste prejudice has also been worked up at times in the minds of the European officers. For when this candidate appeared before the District Officer, that careless officer asked the candidate whether he, if appointed, would be able to control his office consisting of privileged classes. This candidate, when appointed, was unfortunately placed under him for his probationary training and when he called upon the District Officer, the very first question the latter asked him was as to how he got the appointment. And it was after all one as sub-registrar. If I were the candidate, I would have put his original question back to him and would have told him that it did not lie in his mouth to be so vulgar as a descendant of a cobbler was at that moment found fit to hold the reins of the British Empire as its Premier. Fortunately for us that officer is no more in service as he has resigned and left this

country. Next year in 1919, two appointments were made—who got the first nominations from two different divisions—one of them was a B. A. with distinction; unfortunately he is now dead. As regards the other, he appeared before Mr. Cassells, and that just officer was highly satisfied and was good enough to recommend him very strongly, and he subsequently got in.

These, Sir, are a few of the instances to indicate the treatment meted out to our candidates. Said another officer that he was very thick-headed and the question of the backward classes would not enter into his head. The answer was immediately given that for that very reason, it was necessary for one to go on knocking and knocking till it made his head soft and till it entered into his head and he only smiled and nodded his head. This, Sir, is in brief our experience. Some sneer, some jeer, some nod and some only sympathise with us. Was I not right therefore, Sir, in stating in reply to a question put to me by Lord Burnham last year while giving my evidence before the Statutory Commission that we have had sympathies from the highest ruler to the so-called leagues, but when the time for practical action comes, all sympathy evaporates.

5 p.m.

Before that Commission, I was also asked as to the appointments in this very department of Registration and I had to point out that last year—1929—an M. A. belonging to one of these classes was superseded by a B. A. belonging to one of the privileged classes. Am I not right, therefore, when I have said that in this unfortunate caste-ridden country nobody is free from his caste prejudices. This has now been worked up in the minds of the European members who are supposed not to be actuated by any idea of that type. Where then is the consideration of justice and where is your sympathy? It will be painful indeed to find the implicit faith, that these humble and law-abiding people yet have, in the British administration, shaken even in a small degree by the ill-advised and unjust actions of some of the officers here and there. It will not be happy from any point of view whatsoever. I ask my hon'ble colleagues of this House—for I know that there are many here who have real sympathy with these people—to seriously consider this matter and to accept my motion as it demands a bare minimum of justice. I would also appeal to the Government specially to the Hon'ble Minister in charge as I have known him to be sincerely just to the true claims of these millions of people known as the backward classes to consider this matter and to accept the principle involved. We know the dictum—"Knock at the door and it shall be open unto thee." But, Sir, it is wiser to wake up at the first knocking before you get a poking with a rod. With these words I commend the motion for the acceptance of the House.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Government have always sympathetically considered the claims of the depressed and backward classes and whenever possible they have appointed them, especially in the Registration Department. In 1927, one of the members of the backward classes belonging to the Satchasi class was appointed and in 1929, another member of the backward class belonging to the Namasudra class was appointed.

As regards ministerial appointments the conditions are practically the same though no percentage has been fixed. But wherever possible their claims are sympathetically considered and appointments are made accordingly. It is very difficult to fix any percentage because it is difficult to determine who is a member of the backward and who is a member of the depressed class. In this connection I may tell the House that in the much-criticised conference which I had on the Primary Education Bill this year, one of the members raised the question that a representative of the backward class should be there and another suggested that there should be a representative of the depressed class and they could not agree whether it should be depressed or the backward class. Government are faced with the same difficulty but whenever possible they sympathetically consider their claims.

Mr. MUKUNDA BEHARY MULLICK: Sir, after the assurance that the Government will sympathetically consider the cases of the backward and depressed classes, I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I will have one discussion on motions Nos. 72 to 84.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move that the demand of Rs. 22,09,000 under the head "9.—Registration (Reserved and Transferred)" be reduced by Re 1 (to draw attention to the fact that the remuneration of the extra copyists of the Calcutta Registration office is diminishing day by day).

Sir, the extra copyists attached to the Calcutta Registration office are a set of most ill-paid Government employees. Their grievances have already been discussed several times in this House and the Government also have acknowledged in a starred question on the 24th of August, 1928, that the income of these people have undoubtedly decreased to a great extent owing to the introduction of the piece-rate system since April, 1927. But as yet no steps appear to have been taken for the amelioration of their distress. Sir, on behalf of this House, may I not take this opportunity of asking the Government what really is the cause of their indifference and dilatoriness in this matter? Seeing that the Government have thoroughly understood the

situation is it not necessary to ask when they will actually undertake the consideration? Is it now or after the elimination of these people is complete?

Sir, in this connection, I enlighten the House with the fact that before the introduction of the piece-rate system, which, I think a barbarous system, meant for the exploitation of the labour, i.e., before the year 1927, these very people used to get Rs. 30 per month on the fixed monthly rate of Re. 1 per 3,000 words copied and 6,000 words composed if they attended on all working days of a month including the holidays. But since 1927, they are paid on piece-rate system at Rs. 1-4 per 3,000 words copied and 6,000 words composed for the actual work turned out by them exclusive of holidays. Consequently their income is now reduced to Rs. 17 per month. Sir, I understand that the office-master is of opinion and remarks that their income is greatly decreased owing to the introduction of this cruel system in Calcutta office. I challenge the Government to enlighten the House with the note of the Registrar of Calcutta submitted to the Government.

Is it not, Sir, beyond doubt that these men are actually starving with their families in such an expensive town like Calcutta? Even peons of post office who deliver letters from door to door although man of much lower status than these employees have been brought up by the Government to a better prospect of pay, namely, Rs. 30 to Rs. 60 per mensem. I do not find any reason why Government should not allow to these people, who really come of respectable families and many of whom are matrics and undergraduates—even the same advantage not to speak of any better one. Over and above these employees get no casual leave, privilege leave, any kind of leave as enjoyed by the temporary hands of the other Government offices.

Their brother copyists, those who serve in Alipur Court and other civil courts, perform same nature of work, earn Rs. 40 to Rs. 50 per month. While these men earn Rs. 17 to Rs. 19. May I ask the Hon'ble Minister in charge what is the cause of this difference?

In recognition of excessive labour and responsible work with most insufficient income under the benevolent Government, I think it would not be improper on my part to recommend the formation of an association like the C. S. P. C. A. for the mitigation of their distress.

Sir, in this connection I would like to add that it will not be surprising if one day these hard-worked clerks and typists and poor people declare a general strike in respect of their work and I am sure that day will not be very far off if the grievances of these ill-paid clerks of Government offices are not redressed. I think it will be the duty of the representatives of the people—I mean the elected members of this House—to pay much more attention to the grievances of these ill-paid clerks and I will advise and request them to remember that it

is a matter for serious consideration. I would also ask the Hon'ble Minister in charge to see that this matter is attended to without delay.

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 22,09,000 under the head '9.—Registration' be reduced by Re. 1 (to draw attention to the discontent prevailing in the Registration Department regarding pay and prospects of officers, gazetted and non-gazetted)."

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move that the demand of Rs. 22,09,000 under the head "9.—Registration (Reserved and Transferred)" be reduced by Re. 1 (to draw attention to the fact that a number of extra copyists have not been made permanent).

Sir, I beg also to move that the demand of Rs. 22,09,000 under the head "9.—Registration (Reserved and Transferred)" be reduced by Re. 1 (to draw attention to the fact that the permanent copyists and clerks of the Calcutta Registration office sent a memorial to the Government, dated the 8th October, 1928, which has not yet been considered).

Sir, I feel it my duty to say from the floor of this House that the permanent hands of the Calcutta Registration office suffer grievances real and genuine which ought to be removed as early as possible. The work of this department is of a very important character and these poor men have to do very hard work while they are very ill-paid. The scale of pay for the permanent copyists is Rs. 40—1—50 and for clerks Rs. 45—2—85, which is much inferior to the scale of pay for the clerks of the Calcutta collectorate. I do not find any reason why there should be the invidious distinction between clerks and copyists although it is the copyists that are called up to do clerical works in the general line when necessity arises, and why the copyists should be deprived of the advantage of the clerical grade being brought down to a standstill at Rs. 50 for an almost indefinite period until vacancies arise in the clerical grade. Is it not possible for the Government to place these people on the same level of pay with the Calcutta collectorate hands, both of whom are entrusted with the works of the same nature and the same kind of importance?

In response to a memorial, dated 8th October, 1928, of these clerks and copyists Government admitted in a starred question on the 18th March, 1929, that their case was under consideration. Although almost a year has passed away nothing appears to have been done by the Government in this connection. May I not ask the Government how long this consideration will not be given effect to? I do not know in what language such indifference of the Government should be

condemned. Sir, In this connection I would draw the attention of the House to the words I used in my previous speech. I would also remind the Hon'ble Minister in charge that if these poor clerks are treated in this way, I think I would not be wrong if I say that one day they will revolt and then it will be very difficult for the Government to manage their registration work. Therefore, I would ask you to give this your very serious consideration.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 22,09,000 under the head "9.—Registration (Reserved and Transferred)" be reduced by Re. 1 (to draw attention to the difference of the rates, pay and prospect existing in the Registration Department in comparison with those of the collectorate and civil courts of Bengal).

The following motions were called but not moved:—

Mr. K. C. RAY CHAUDHURI and Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 22,09,000 under the head '9.—Registration (Reserved and Transferred)' be reduced by Re. 1 (to draw attention to the fact that there is no system of making the Registration employees permanent and regulating their promotion)."

Mr. K. C. RAY CHAUDHURI and Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 22,09,000 under the head '9.—Registration (Reserved and Transferred)' be reduced by Re. 1 (to discuss the pay and prospect and working hours of the ministerial employees of the Registration Department)."

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The first motion was about the extra copyists of the Calcutta Registration office. Government changed the system of remuneration in 1921, and on calculating the average it will appear that they are actually now getting more than what they were getting before the change; that is to say, before the change they were getting less.

The reason why there was delay in disposing of the memorial of the officers and permanent copyists of the Calcutta Registration office was that Government had first to decide whether there should be some increase in the remuneration of clerks in the Registration Department in view of their increased work under the Bengal Tenancy Act. Having decided that question they are now going to pass final orders on the memorial submitted by the extra copyists employed in the

Calcutta Registration office. In the memorial they submitted to Government they asked for extra house allowance and increased pay. At the time when the scale of their salary was fixed, the fact that they were going to remain in Calcutta was taken into consideration. Therefore the question of house allowance does not arise. As regards the question of increase of pay, Government are of opinion that there cannot be any increase in the pay of the employees of the Registration Department until and unless the question of the revision of pay of all the ministerial officers and clerks in all the departments of Government is taken up at one and the same time. We cannot give increments in a piecemeal fashion. In 1922, a committee was appointed called the McAlpin Committee in which the scale of pay of the clerks and ministerial officers of Government was gone into and decided. It is only 7 years since then and owing to financial stringency it is not possible to go into this question now and, therefore, until the finances of the Government of Bengal improve this question cannot be reconsidered.

Another motion has been moved in which the question of making the extra copyists permanent was raised. The extra copyists who have been working since 1924, came in with the knowledge that they could only be given a permanent appointment if they were appointed as apprentices. Until they get that appointment they cannot be made permanent and it was made known to them that their appointment as extra copyists was bound to be temporary. In 1924, Government changed the system and said that future recruitment of clerks and *moharrirs* in the Registration Department would be made from the apprentices. So the extra copyists knew this fact when they took up the work and the only thing that can be considered in their favour is that when we would appoint apprentices their claims would be considered in view of the fact that they have been working in the department as extra copyists for some time.

The following motions were put and lost:—

"That the demand of Rs. 22,09,000 under the head '9.—Registration (Reserved and Transferred)' be reduced by Re. 1 (to draw attention to the fact that the remuneration of the extra copyists of the Calcutta Registration Office is diminishing day by day)."

"That the demand of Rs. 22,09,000 under the head '9.—Registration (Reserved and Transferred)' be reduced by Re. 1 (to draw attention to the fact that a number of extra copyists have not been made permanent)."

The motion that the demand of Rs. 22,09,000 under the head "9.—Registration (Reserved and Transferred)" be reduced by Re. 1 (to draw attention to the fact that the permanent copyists and clerks of the Calcutta Registration Office sent a memorial to the Government, dated

the 8th October, 1928, which has not yet been considered) was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Poddar, Seth Hanuman Prasad.
Raheem, Mr. A.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemeni.
Ray, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Sahana, Babu Satya Kinkar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sunil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Inesh, Mr. J.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. S.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. C.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, the Hon'ble Kumar Shib Shekhareswar.
Rose, Mr. C. F.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Rushforth, Mr. F. V.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Skinner, Mr. S. A.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twyman, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 34 and the Noes 63, the motion was lost.

The following motion was then put and lost:—

"That the demand of Rs. 22,09,000 under the head '9.—Registration (Reserved and Transferred)' be reduced by Re. 1 (to draw attention to

the difference of the rates, pay and prospect existing in the Registration Department in comparison with those of the collectorate and civil courts of Bengal)."

The following motion was called but not moved:—

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 22,09,000 under the head '9.—Registration' be reduced by Re. 1. (To discuss about fall in registration fees and to impress about improbability of increase as expected by the Hon'ble Minister and also to discuss about the pay and prospect of the ministerial officers of the Registration Department)."

The motion that a sum of Rs. 22,09,000 be granted for expenditure under the head "9.—Registration" was then put and agreed to.

5-30 p.m.

9A.—Scheduled Taxes.

The Hon'ble Mr. A. MARR: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 15,000 be granted for expenditure under the head "9A.—Scheduled Taxes."

The details of this demand will be found on page 38 of the Green Book, and consists of one item only, viz., the payment of Rs. 15,000 to the Royal Calcutta Turf Club for the collection of betting taxes.

The following motions were not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 15,000 under the head '9A.—Scheduled Taxes' be reduced by Rs. 14,999."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 15,000 under the head '9A.—Scheduled Taxes (Reserved)' be reduced by Rs. 100 (policy involved in the betting tax collection)."

The motion of the Hon'ble Mr. A. Marr was then put and agreed to.

XIII, 15, 15(1), 16 and 55.—Irrigation.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 53,39,000 be granted for expenditure under the heads "15.—Other Revenue expenditure financed from ordinary revenue," "XIII.—Irrigation—Working expenses," "15(1).—Other Revenue expenditure financed from Famine Relief Grants," "16.—Construction of Irrigation, Navigation, Embankment and Drainage works" and "55.—Construction of Irrigation, Navigation, Embankment and Drainage works not charged to Revenue."

Sir, provision has been made next year for completing the work of fixing a Stoney's shutter in the under-sluice of the Midnapore canal which has been commenced this year with the object of preventing the silting of the canal and effecting economy in its maintenance. Provision has also been made next year for the Government share of the cost of reconstruction of the Narkeldanga, Manicktolla and Belliaghata bridges. Government have at length agreed to bear 50 per cent. instead of 45 per cent. of the cost of these bridges and also of the Chitpore, Alipore and Tollyganj bridges, the extra estimated liability amounting to Rs. 1,46,000. Funds have also been provided to finish the new Alipore bridge to begin the reconstruction of the Chitpore and Ultadanga bridges, to construct a drainage sluice at Kalinagore at the 3rd mile of the Kalinagore embankment, Hijili Tidal canal and certain other important works. Provision has also been made for dredging the Lower Kumar river in the Madaripore bil route, Hetaliya river, and Channel creek in the Sundarbans steamer route. The deterioration of the rivers in the western Sundarbans is more marked and the situation is becoming increasingly difficult. The policy of Government, however, is to maintain the Sundarbans steamer route so long as this can be done.

Sir, last February, in the session that was held, the Council voted by means of a token grant of Re. 1 an extra expenditure of Rs. 1,00,000 during the current financial year on the construction of a brick mattress at Serajganj to prevent further erosion of the town by the river Jamuna. The work has been commenced this year and a sum of Rs. 1,13,000 has been provided next year to complete the work. The Town Protection Committee, Serajganj, has promised to contribute Rs. 1,00,000 roughly, which is about 1/3rd of the total cost. The whole work is estimated to cost something like Rs. 3,13,000.

In Western Bengal the staff has been concentrated on the preliminary surveys in connection with the Maurakshi irrigation scheme in the Birbhum district. This enquiry has shown that the canal is feasible and that there is sufficient water for the Irrigation of about 60,000 acres. The detailed estimates will be prepared forthwith.

Works in connection with the Damodar canal and the Bakreswar irrigation scheme are being pushed on vigorously, and adequate provision has been made in next year's budget for the continuance of these works. The two projects are being financed by borrowing money from the Provincial Loans Fund. It is hoped the Bakreswar canal will be opened for irrigation this year. I regret very much that, owing to financial stringency, it has not been found possible to provide funds next year for the Berai irrigation scheme in the Bankura district and the Satkahonia irrigation scheme in the Burdwan district.

For the same reason again it was not possible to include the scheme for the semi-canalisation of the Alaipur khal in the Khulna district in the next year's budget, or the scheme for the widening of the Burhani khal in the Bakarganj district.

Provision has been made for the continuance of the work in connection with the construction of locks and sluices on the Lower Kumar river. The object of the work is to make the river Lower Kumar, which forms a part of the Madaripur bil route, navigable throughout the year. It is expected that these sluices will be brought into operation during the coming monsoon.

Let me say, Sir, in conclusion that this department is seriously, and I may say woefully, undermanned, and it is, therefore, impossible to extend its activities to many eastern and northern districts where there is a great demand for navigation and drainage schemes. There is a scheme for the necessary expansion of the department, but lack of funds stands in the way of giving effect to this scheme.

During the discussion on the budget last year it was announced that Government had under contemplation the appointment of a committee to advise it on the re-organization of the department. I am happy to say that this committee has just finished its labours, and it is expected that the report of the committee will be in the hands of members of this House within a short time.

With these few remarks, I commend my motion for the acceptance of the House.

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 90 to 96.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: May I suggest, Sir, that there should also be one discussion on motions Nos. 99, 100, 102, 103, 104, 105, 107, 108, 109, 112, 114, 115, and, perhaps, 116, which all relate to policy? The other motions might be taken up separately.

Mr. PRESIDENT: Very well.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg leave to move motions Nos. 90 to 96 together. I beg to move—

that the demand of Rs. 3,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Inspection Bungalow at Jalangi" be refused;

that the demand of Rs. 2,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works) and extension and Improvements—Rest Shed at Hanskhali" be refused;

that the demand of Rs. 3,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Sectional Officer's Quarters at Rajshahi" be refused;

that the demand of Rs. 3,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Amgachia Bungalow" be refused;

that the demand of Rs. 4,100 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Sectional Office and Quarters at Tengrabichi" be refused;

that the demand of Rs. 2,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Inspection Bungalow at Bahadurpur" be refused; and

that the demand of Rs. 680 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Amta Inspection Bungalow" be refused.

My intention, so far as these motions are concerned, is to criticise the policy of the Irrigation Department in the matter of construction of inspection bungalows under that department. Irrigation Department is not the only department which has got to do inspection in the mufassal; other departments of Government have to do inspection work as well. And if inspection bungalows are increased in this progressive ratio, I think the time will come when we shall have nothing else but inspection bungalows all over Bengal. Personally, I do not know what is the policy of Government in constructing inspection bungalows in this fashion. The construction of inspection bungalows is ordinarily the function of local bodies, and they are expected to provide them. Government should from time to time encourage local bodies to construct these bungalows, and I think it would be much better if, instead of constructing inspection bungalows themselves, they encouraged local bodies to build these bungalows by subsidising them. Things will be much better then, as it will mean concentration of such building works. After all, these bungalows are not merely intended for the use of officers of the Irrigation Department only, for they are freely used by officers of other departments. There are certain inspection bungalows the reasons for whose provisions I do not understand. For instance, in our district and near about the budget provides for two bungalows, one at Hanskhali and the other at Jalangi. The toll-house at Hanskhali is a magnificent building, and it was constructed at a time when there was no Public Works Department and no system of specifications and plans. For the last few years the Irrigation Department has been attempting through the District Magistrate to sell that building to the highest bidder, but up till now no one has come forward to purchase it. That building can be used with slight alterations as an inspection

bungalow. Instead of doing that, provision has been made for a rest-house at Hanskhali. I say that this is a matter which deserves the earnest attention of Government. There is already a building, and nothing prevents Government from using it as a rest-house. A new rest-house will be nothing more than a hut, but if the toll-house is so changed as to make it habitable for officers, it will probably be less expensive than constructing a new rest-house. These are the reasons why I have moved these motions, because personally I am familiar with these cases. The same remarks apply to the inspection bungalows at Amgachia, Bahadurpur, Tangrabichi, and Amta.

We know that contagious disease is a subject which is the concern of the Medical Department. I am afraid, this time the Irrigation Department has caught a contagion of constructing inspection bungalows, and so they are having it in any and every place. I think the Irrigation Department would do well to start on a definite and comprehensive policy of its own. I, personally, am not opposed to the provision of inspection bungalows for the comfort of officers, but I should like to know on what principles these quarters are constructed. How do you give preference to one place? How do you select another place? These are matters, which I think should find a place in the budget statement, so that these things can be easily understood by the members of this House and they might exercise control.

5-45 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Sir, judging by the large number of buildings that are being constructed, judging by the large quantity of money that is being spent on brick and mortar, one would think that the department does not know what to do with the money. The facts are quite the reverse. Whenever the Irrigation Department is called upon—and I shall have occasions to draw attention of the department later on to cases of that character—to do the least little thing for the welfare of the people, for giving water for agricultural purposes, they come forward with the reply that money is not forthcoming. I may point out that the Irrigation Department is one which is run at a tremendous loss and in spite of that this insolvent department is spending thousands of rupees————

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: On a point of order, Sir. I think the motions relate to questions of bungalows, and not to question of policy. If the member is discussing the question of policy, I am afraid it would be wrong on his part to do so.

Dr. NARESH CHANDRA SEN GUPTA: I am discussing the question of the policy of the department in the matter of erecting bungalows and spending money on brick and mortar when it cannot spend money in feeding the hungry mouths of the people of the country.

In the Burdwan and Hooghly districts there are immense areas which cannot be profitably utilised, because the Irrigation Department has not imagination enough to carry on the work properly. Representations have been made to Government on the point without any effect. I do not want to discuss that now. What I want to say now is that it is abundantly clear that the Irrigation Department has not the money to waste on brick and mortar. We have heard of inspections and whenever I have sifted the question of inspection I have found that there is more and more of the shadow in it than substance. Inspections, Sir? Inspections are perhaps necessary, I think the officers of Government should do inspections if necessary, but not, with all the luxuries of Calcutta life. I do not think it is necessary to provide inspection bungalows for inspecting officers to stay there for a day or two on a luxurious scale. I know that there are a number of Government officers who have to do a lot of inspection work in distant and remote villages where there is not a single inspection bungalows, and yet they do it all the same. The Co-operative Department, for instance, have a number of officers who go to the remotest villages and stay there for a long time, sometimes without an inspection bungalow to provide amenities for them. Why should not the Irrigation Department officers submit to the same sort of sufferings as their brother officers of the Co-operative Department? I say with all the emphasis I can command that this House must reject every proposal for spending money on brick and mortar, most of all for the department which exists for the purpose of feeding the hungry mouths of the people. We must refuse even a single pice to be spent on brick and mortar until the absolutely essential and urgent needs of the department have been satisfied.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I think both the Khan Bahadur and Dr. Sen Gupta will admit that there is no department under Government which requires inspection more than the Irrigation Department. If it is thought necessary that scrutiny should be made carefully of, and watch should be kept on, money that is spent by this department, it is all the more necessary that inspections should be made every now and then. I may say that these inspection bungalows, which it is proposed to construct, all told, will cost a few thousand rupees, viz., Rs. 17,780. I shall proceed in the first instance to explain to my hon'ble friend, in brief, giving information with regard to each of the items mentioned against the different motions that stand in his name.

The first is a bungalow at Jalangi. This is required because there is no other bungalow in the vicinity which can be used by inspecting officers when inspecting the Ganges and the Mathabhanga rivers. An officer going to inspect a river is required to spend two or three days at a time. Therefore, he requires some place to put his head under.

The next is the question of the rest shed at Hanakhali. This is required as an economical measure to enable us to do away with the much larger buildings comprising the toll-collector's office and quarters at Hanskhali. I understand that it would be much cheaper to build a rest shed there with a small expenditure than to improve the huge toll-collector's office and quarters.

Then, we come to the sectional officer's quarters at Rajshahi. At present the sectional officer is accommodated in a ramshackle shed which is about to tumble down.

Then, there is the Amgachia bungalow which is required to replace the existing bungalow which is on the point of collapse and is not in a fit state to be used by any touring officer.

Then, we come to the sectional office and quarters at Tengrabichi. These comprise two sectional officers' quarters at Kulpi and Tengrabichi on the Hooghly left embankment to replace the quarters which are in a very dilapidated condition.

Next, we come to the inspection bungalow at Bahadurpur. It is a thatched shed. It is necessary to maintain a bungalow in these parts to enable officers to supervise the new Gobranala flushing works.

The money put down against the Amta bungalow is merely for the purpose of putting a fence round the compound. It is a matter of a few hundred rupees only.

This is the sum total of all these bungalows, regarding the cost of which we have just heard an eloquent speech from our friend over there. He expressed his indignation at the enormous wastage in the department. I shall be very pleased to hear him on this question later on. So far as these bungalows are concerned, I think it is obvious to the members of this House that this is a very small matter and is required simply in the interests of efficiency and to provide against inclement weather so that the officers visiting those places can spend a number of days there in inspecting their work. I trust after this explanation my friend will not press his motions.

Khan Bahadur Maulvi AZIZUL HAQUE: Am I to understand that so far as item No. 91 is concerned, the Hon'ble Member will be pleased to consider the matter in detail?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: Yes.

The motion that the demand of Rs. 3,000 under the head "15.—Irrigation—Other Revenue expenses, etc. (Works)—Inspection Bungalow at Jalangi" be refused, was then put and lost.

The following motions of Khan Bahadur Maulvi Azizul Haque were, by leave of the Council, withdrawn:—

"That the demand of Rs. 2,000 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works) and extension and Improvement—Rest Shed at Hanskhali' be refused."

"That the demand of Rs. 3,000 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works)—Sectional Officer's Quarters at Rajshahi' be refused."

"That the demand of Rs. 3,000 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works)—Amgachia Bungalow' be refused."

"That the demand of Rs. 4,100 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works)—Sectional Office and Quarters at Tengrabichi' be refused."

"That the demand of Rs. 2,000 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works)—Inspection Bungalow at Bahadurpur' be refused."

"That the demand of Rs. 680 under the head '15.—Irrigation—Other Revenue expenses, etc. (Works)—Amta Inspection Bungalow' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the demand of Rs. 19,000 under the head "15A.—Irrigation Works" be reduced by Rs. 100 (to press that in future all estimates prepared by Irrigation Department above Rs. 1,00,000 should be published).

Sir, at the outset I must congratulate the Hon'ble Member in charge of the Irrigation Department for the many reforms that he has already introduced in this department. He has been more responsive to pressure of public opinion than we were accustomed to in this department, and I think, and I personally feel that it is our duty to express our feeling of gratefulness to him, particularly for the interest he has taken in accepting and pushing through schemes of public welfare. He has of late sanctioned the Serajganj scheme, which after all has a chance of saving the town, even though the major part of it is under water, but better late than never. That he has been able to get the expert officers of the department to agree to his proposal is a matter of congratulation to him. He has succeeded in the matter of the scheme for putting up the Noakhali bund. Even if the scheme fails, it will show that the department is willing to give a response to a popular demand. I personally feel that even if it involves a waste of money, as is feared by some people, it is a scheme worth trying and which the Irrigation Department should have taken note of long before.

Mr. PRESIDENT: What is the force of your argument when you say that all estimates prepared by the Irrigation Department above Rs. 1,00,000 should in future be published?

Khan Bahadur Maulvi AZIZUL HAQUE: I anticipated your question and I was just coming to the point.

6 p.m.

I can say that he has been responsive to popular opinion in these two matters. But I want him to be more responsive to the popular view by accepting this proposal of mine.

As he has given indications that he is at least not a Minister but a Member of the Executive Council who has been—in a moment of aberration perhaps—willing to hear popular views, I want him to give heed to our views a little more by accepting the proposal that the estimates of the Irrigation Department should be placed before the public before they are sanctioned. I will give two instances in which the Irrigation Department has done things which, if previously known, would have been the subject matter of very strong criticism. One is about the Madaripur bil route. We have lately heard a lot of things about the Madaripur bil route, but I do not know whether it is known that the work of widening and deepening the route was suspended after an expenditure of Rs. 16 lakhs against the sanctioned estimate of Rs. 38 lakhs. The public has a right to know as to the necessity of this expenditure and then of abandoning the work after it has been half gone through, only to take up another pet hobby of the department, namely, for locks and sluices in the route. This is one reason why I say that the estimates of the department should be scrutinised before they are accepted.

My second instance refers to the Hoorhoora khal. Sir, I have been a close student of the working of the Irrigation Department. I have been studying their map for some time past and although I am aging I can assure you I can study maps without the use of spectacles. But I have studied the Irrigation Department map, at times even, with a microscope. Sir, the Irrigation Department map is such that nobody can understand it without the help of a microscope. However, the Irrigation Department map is supposed to indicate all the works which the department do but unfortunately I have not been able to spot the khal. Now for this Hoorhoora khal there was a sanctioned estimate of Rs. 12,34,906. That work has been declared to be finished after an expenditure of Rs. 10,57,354. But will it be surprise to hear that the entire length of the work has not been finished; I find from a pamphlet which has been circulated to the members of the Council to-day, and

written by my distinguished friend Srijut Naliniranjan Sarker that only one-third portion of the entire length has been finished at a cost of Rs. 10 lakhs against the estimated total of Rs. 12 lakhs for the entire length and yet the scheme has been declared to have been finished. The departmental report on the subject is an interesting study. In the first year there was a very sanguine report. After the work had been declared to be finished we were told in 1926-27 that the khal acted splendidly as a flood escape during the flood season. Next year, i.e., in 1927-28, we were told—no, it was not working alright. The flood water of Damodar was passing through the Begua channel and discharging into the Rup Narain river through the Pansali khal rather than through the Hoorhoora khal. Sir, these are reasons why all schemes and estimates require public criticism before they are initiated. Sir, we are not the Imperial Government and we have not got an unlimited purse. Our funds are limited and the schemes which have already been sanctioned are far too many and we cannot afford to waste even an infinitesimal amount over our schemes. I, therefore, think that before any scheme is taken up it should be published for public criticism. I hope that my proposal will be considered by Government. These two instances will suffice to justify acceptance of my proposal. I hope that in view of this fact Government will accept the motion that stands in my name.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I wish to assure my hon'ble friend at the very outset that he has my entire sympathy as regards the suggestion which he has put forward before us just now. I would tell him my own personal views. I personally think that it would be very useful if estimates costing above Rs. 1 lakh are placed before the public for criticism. But I should like my hon'ble friend to hold his soul in patience till he has an opportunity of looking into the report which will be in his hands in a very short time. I can tell him that this report has touched the very subject which forms the subject matter of his motion before the House. I can also tell him that Government will be pleased to give their careful consideration to the particular point raised by him.

My hon'ble friend has mentioned some very interesting items, such as the Hoorhoora or Foorfoora khal. He has referred to all sorts of strange names but I may tell him that I have not yet had time to pay particular attention to these but until I have done so he cannot expect me to reply to the criticism he has put forward. As regards the main question the Government will be happy to give it their most careful consideration when the Expert Committee's report comes under consideration.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, In view of this assurance I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 7,21,000 under the head "15.—Other Revenue expenditure financed from ordinary revenue—B—Navigation, Establishment and Drainage works—Maintenance and Repairs" be reduced by Rs. 1,000 (to express disapproval at the present policy of river improvements and bandalling works being handed over to the steamer companies).

Sir, I do not know whether I will be asked to exercise patience even in this matter. Patience is sometimes a very ideal virtue but at times it is very trying for one to keep patience. I move this motion with a view to express the Council's disapproval of the present policy of bandalling works being handed over to the steamer companies. I do not want to make a speech but I will just quote two relevant extracts from the administration report of the Irrigation Department which would prove to be very interesting. This will show how in the interests of the country the bandalling work should not be left to the steamer companies. I am quoting from the report: "Bandalling was undertaken to train shoals in the rivers Dhaleswari and Buriganga (both in the district of Dacca as members are aware) as usual to maintain a navigable depth of water during low water season and also to supply good drinking water to the city of Dacca." In the next year's report, that is in the report for 1927-28, we find: "The annual bandalling works were undertaken as usual to train the shoals in the river Dhaleswari to maintain a navigable depth of water during the low water season." Now, Sir, I will draw your attention to the phrase "as usual" in both the places. In the first report we are told that the bandalling work was undertaken to maintain a navigable depth of water and to supply good drinking water to the Dacca town *as usual*. In the second report we are told that the bandalling work was undertaken to maintain a navigable depth of water *as usual*. There is absolutely no mention of the second object, namely supply of good drinking water to the city of Dacca. However, the work was being done by the Irrigation Department and it will be interesting to ask whether the departmental officers thought themselves unfit or unwilling to carry out this work any longer and left it to the steamer companies to do. I would ask the Hon'ble Member whether the work done by the steamer companies is supervised by any departmental officer and whether their dues are checked by the department? My information is that the bills are never checked and that the steamer companies are given a certain amount of money without any consideration as to how much work they do or do not do. I have already shown how one of the two objects of bandalling has already been neglected—I mean the supply of drinking water to the city of Dacca.

Such is not only the case with these two rivers but it is also the case with the river Ganges. We have got a Nadia Rivers Division but what work is being done there? The irrigation officers there are not supposed to do anything. They are content to hand over their work to the steamer companies. Are they supposed merely to survey and watch the rivers or to hatch up schemes and not to do any actual work? There are certain officers who have practically no work to do and in spite of that this bandalling work must necessarily be done by the steamer companies. Are these irrigation officers really so incompetent that it is not possible for them to carry out this bandalling work? I can personally say that this bandalling work, when it used to be done by the department was carried out very satisfactorily and there was no reason why the work should have been handed over to the steamer companies. Sir, it is said that one Captain Noyce of the steamer companies is paid Rs. 350 with a view to see that the bandalling work is properly done. Cannot the department have an officer of its own on that pay? Rs. 350 is not a small sum in these days and surely this pay can be fitted into the Provincial service. I do not really see why this money should be paid to Captain Noyce at all. It may be argued that the work is of a technical nature. Sir, there are some catch-phrases against which we must guard ourselves. There is nothing very technical about the bandalling work. It is only a matter of erecting a matwall with a view to train the river to flow in a certain direction. Surely the department which spends Rs. 60 lakhs annually can find men to do this work. Sir, it is a question of policy and I hope the Hon'ble Member will see his way to remedy this state of affairs.

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: My hon'ble friend has helped my case by calling attention to the way in which bandalling work is now being done. I have already stated that this department is under-staffed and woefully under-manned. It is not possible for the officers of the department to specialise in a work of this kind.

6-15 p.m.

I can assure him that this work does not necessitate the putting of a few bamboos here and there only. There is a way of doing it well and a way of doing it badly. I can state from my personal experience with regard to the bandalling that has been done in the Dhalleswari river that the bandalling that had been done hitherto by the officers of the department had not been satisfactorily done with the result that steamers plying between Sirajganj and Charabari or between Elashin and Dacca could not do so all the year round. Recently this work has been handed over to the steamer companies with the result that the

channel has been kept open and I sincerely hope that continuous service will be kept up, namely, from Elashin to Dacca and from Sirajganj towards Tangail.

As regards the question of handing over to the river steamer companies any sum that they choose to ask for, I may say that in some instances even a small matter like that came up to the Member in charge who very carefully scrutinised the figures placed before him and sanctioned them because the steamer companies did the work efficiently. I do not think any other work except bandalling pure and simple and the upkeep of marks and buoys on the steamer routes has been handed over to the steamer companies. Most of the work is undertaken by the department. It is not the case that the department is not able to do the work but the staff is so awfully under-manned that it cannot look after the survey of every creek and corner. I think my friend will agree that the present arrangement of handing over the bandalling work to the steamer companies is on the whole working satisfactorily and proving of benefit to the travelling public.

The motion was put and lost.

[At 6-20 p.m., the Council was adjourned for prayer and it re-assembled at 6-40 p.m.]

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 99, 100, 102, 103, 104, 105, 107, 108, 109, 112, 113 and 115; so that the result will be that motions Nos. 101, 106, 110 and 114 will not be moved until motion No. 115 has been disposed of.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 13,87,000 under the head "15.—Irrigation—Other Revenue Expenditure, etc." be reduced by Rs. 1,000 (to draw attention to the failure of the department to tackle the problems of the dead and dying rivers in West Bengal, and of water-hyacinth in Eastern Bengal).

I do not know whether members of this House have noticed that a magnificent sum of Rs. 600 has been provided for the eradication of water-hyacinth in the budget of this year. This, to my mind, is significant of the fact that the Irrigation Department has not yet been able to realise their responsibilities in this matter. Those who know the administrative details are perhaps aware that a fight went on to some time between the Agriculture Department and the Irrigation Department as to which of them is concerned with looking after the

problem of water-hyacinth in Bengal. They were discussing the question among themselves when the hyacinth was spreading and slowly killing over waterways. The Agriculture Department wanted to shift this duty on to the Irrigation Department and vice versa, and after sometime they came to an arrangement in which the research part of the business is to be done by the Agriculture Department, as is clearly evidenced from the number of pots in the research laboratory at Dacca decorated by water-hyacinth while the control of the water-hyacinth in the rivers is vested in the Irrigation Department.

Sir, I do not know whether the members of Government have to go to Eastern Bengal now-a-days. I think that there was some arrangement in the past by which Government were to stay at Dacca for some months in the year at least. My earnest appeal to Hon'ble Members of Government is that they should go from Narayanganj to Dacca not by rail but by steamer so that they might see for themselves within that short distance what an amount of havoc is being done by water-hyacinth. Any one who goes to Eastern Bengal will have noticed that whether it is in Dacca, Mymensingh or in Barisal or near about, water-hyacinth is coming on at a tremendous pace over the waterways of Bengal. The problem is of such a serious nature that, I believe, unless it is tackled at an early date it will affect the whole agricultural outlook of Eastern Bengal. Eastern Bengal at present holds the key position in agriculture in this province. It is Eastern Bengal which produces the finest jute, produces the finest paddy and other raw materials, but the day is coming when Eastern Bengal will come to grief unless the Irrigation Department tackles this problem of water-hyacinth seriously.

Sir, I do not know whether the Hon'ble Member in charge of Irrigation now-a-days goes to his home but I should advise the Hon'ble Member at least to go to his own district and districts near about it, that he might see with his own eyes what is now happening there on account of the presence of water-hyacinth in the rivers.

Sir, I would not speak much of Western Bengal. Western Bengal now-a-days does not count anywhere. To talk of Western Bengal is considered as a sacrilege, and that is why I first thought of refraining from discussing the problem of dying rivers of Western Bengal. Whether we look to administrative reports of Government or outside, Western Bengal does not matter and Government for sometime has been leaving this part out of serious consideration. But the problem came to me so strongly that I thought, more in keeping with the atmosphere of death that is now present among us in Western Bengal that I should muster courage to hold up the picture of rivers and waterways in Western Bengal. I would like the Hon'ble Member for

the Irrigation Department to go to some districts in Western Bengal, such as Nadia, Jessore, 24-Parganas or Murshidabad; or to Howrah, Hooghly, Burdwan or Birbhum that he might realise how by its negligence, by its non-watchfulness the department has allowed the rivers there to die and decay. I believe, Sir, that the problem can still be solved and at least the waterways can be saved by admitting water during the flood times, but if the present policy be followed, that even may not be possible sometime after. It is not merely to-day that we have raised this cry. Our expectations have been beguiled by the department from time to time and people who had hopes on Government have become disgusted by its inactivity. Men who have grown grey are lamenting the fate of their dear country and yet the Irrigation Department is sitting waiting for big schemes to come up before them. I do not know whether it will be a matter of study for medical science and pathology to find out as to whether any bacteria has entered into this department but one who realises the situation surrounding him will see that the department had never any mind of its own and consistency is not a virtue with this department. Whenever any scheme of public welfare is concerned, whenever millions and miles are to be benefited by any scheme of reclamation and improvement, that brilliant legislative performance the Agricultural and Sanitary Drainage Act would be pointed to as the last word by Government. Whenever any big scheme of navigation is concerned the Government will commend it as a good commercial proposition and will immediately take it up, but small schemes recommended by the local officers they will never undertake. I will give you, Sir, one concrete example from the Administrative Report of Government. Take the case of the Damodar canal project. In their Administrative Report for 1922-23, the Government of Bengal definitely declared that the Damodar canal project was not going to be taken up shortly as "Government would not at present be justified in embarking upon such a large expenditure estimated at Rs. 70 lakhs unless the people who were to be benefited financed it under the Agricultural and Sanitary Act; the opinion of local bodies, district boards would be invited," unless the district boards were satisfied that the people would be benefited and accepted the financial responsibilities involved, and make an application under the Act, they would not be justified in taking up the project. This was only a few years back. Yet the moment the Grand Trunk canal project—another big project costing only a few crores of rupees—was in the process of being abandoned, the department pushed through the Damodar project costing about Rs. 90 lakhs in spite of their definite declaration that they were not going to launch upon the scheme unless the people benefited by it agree to finance it. I ask the Hon'ble Member in charge as to what is there behind the working of the department by which the Damodar canal project was revived after 6 or 7 years of its abandonment?

Sir, What is the position with regard to irrigation problem in Bengal? We must remember that we have got a limited finance. The Hon'ble Mr. Marr has been trying to get a little more money for the last 7 or 8 years from the Imperial Government but without success. Our finances are in a straitened condition, so much so that if you look at the budget you will find that contraction is the order of the day in almost every department. Therefore when we undertake a work of some magnitude in the Irrigation Department we must be careful to appreciate its implications. At present I think the interest and payment of capital advances alone for the commitments of this department involve us in an annual expenditure of Rs. 16 or Rs. 17 lakhs. We have to pay—no matter whether the scheme has been taken up and also been beneficial or not—an annual sum of Rs. 17 lakhs as interest and other capital charges; whatever may be our financial position we must pay that amount. Then the other normal expenditure in the Irrigation Department is roughly from Rs. 56 to Rs. 60 lakhs. Out of this Rs. 60 lakhs Rs. 14 or Rs. 15 lakhs is spent on establishment charges alone, i.e., 25 per cent. of the total expenditure. I should have thought that at least the remainder would have been spent on irrigation and on schemes of public welfare and at least spent by the officers of the department. But no, Sir, that is not to be.

6-45 p.m.

As I have said, doles are being given to the steamer companies to take up bandalling works and that is to the extent of Rs. 51,000. A similar policy has been followed near about Calcutta as regards the construction of bridges, the cost of constructing them being put in the Irrigation budget. One would take it that departmental officers probably look after them, no, they are doles given to the Calcutta Improvement Trust for their construction. Sir, I was looking into this matter recently, and I found that when the Kidderpore bridge was constructed, it was done with greater economy than what it would have been the case had it been built by the Improvement Trust. This bridge cost less than what was estimated, and yet we find that a sum of Rs. 3,90,000 out of the Irrigation budget is being made over to the Trust for the construction of bridges. Am I to understand that the inefficiency of the department as regards bandalling work and as regards the building of bridges is so great that they are not able to look after these things? Has the engineering service become so rotten to-day? Bengal has to pay for establishment charges to the extent of Rs. 15,62,000. Let us see how much the department really spends in works falling within its own scope, Rs. 62,425 is to be spent for building quarters and bungalows, though provided in

Irrigation budget. These works though shown under the Irrigation budget, really come under the Public Works Department budget, as they are executed by the latter department.

Then, loss has been incurred on the Amta project and the budget provides for Rs. 22,500.

For tools and plants required for the department Rs. 1,02,000 has been provided in the budget, for which the department has very little to do except placing orders with some firms, thereafter on Government embankments they provide for Rs. 3,60,000. Surely, Sir, whether irrigation engineers, engineers whose names are carried all the world over, are not employed merely to see that this sum of Rs. 3,60,000 is spent for embankment purposes, work which could be done by the officers of the Public Works Department.

What remains after making payments for all these, to the Improvement Trust, after provision for works executed, the Public Works Department, and spending on various other items mentioned before, such as tools and plant, establishment charges—which cover pay, pension, contingency, etc., is the sum of rupees thirty-two lakhs to be spent on works within the proper function of Irrigation Department. For this rupees thirty-two lakhs expenditure, we have to maintain a staff costing about Rs. 16 lakhs.

Sir, I think that there is a rule somewhere in the Public Works Department Code, which lays down that a proportion has to be maintained between establishment charges and works expenditure. And if calculations are made according to this rule, it will be found that the position is very grave.

Then, Sir, out of these rupees thirty lakhs they have got certain schemes of their own, such as the Midnapore canal, Hijli Tidal canal, and the dredgers "Cowley," "Burdwan" and "Ronaldshay." The classification of schemes is a fit subject for study by university students: I have not been able to understand how the dredgers "Ronaldshay," "Burdwan" and "Cowley" can be treated as *projects*, some productive and some unproductive. These dredgers are maintained for keeping open connection by steamer routes with Calcutta and they cost Rs. 9,15,000, for maintenance and repairs *plus* another Rs. 4,25,000 for extensions and improvements. So, a sum of about Rs. 13½ lakhs is spent for the maintenance of the canal routes. Another Rs. 16 lakhs goes after Damodar project.

It is no wonder, Sir, that for a hyacinth conveyor, the Hon'ble Member in charge has been able to persuade the Hon'ble the Finance

Member to give him a small sum of Rs. 600. This is perhaps to persuade the people of his district that he is doing some good by tackling the water-hyacinth problem. No wonder, he provides Rs. 500 for Begunbari khal, Rs. 1,000 for Arorol bhil, Rs. 100 for Daudpur drain, Rs. 500 for Bajjola drainage scheme and so forth to satisfy the qualms of his conscience.

Sir, if the Hon'ble Member in charge will inquire as to how many schemes have been prepared by his department and how many of them allowed to mature, through what travails they have to pass, why one scheme is given preference to another, and why a scheme is taken up again after being abandoned, he will find it a very interesting story indeed. Anyway, Sir, these facts have been puzzling me for some time past, and I can assure you that if any one, interested in the walfare of this province, goes through the administrative reports of the last 10 years, he will also be puzzled.

I have already referred to schemes which have been abandoned. We expected that the administration reports would at least contain some information as to the reasons why they had been abandoned and others taken up. After all, what is the use of an administrative report, unless the public get an opportunity of judging the intricacies of administration and get some reasons for departmental action?

Sir, I do not know whether I shall be over-ruled by you as irrelevant, but I cannot avoid referring to another matter, and that is the way in which the price of the Administration Report of the Irrigation Department is being increased gradually probably to avoid publicity and circulation. The 1921 Report, consisting of about 100 pages and many maps was priced Rs. 2: to-day its price of only few pages and a few maps is, if I mistake not, Rs. 37-8. I shall give the exact figure to the Hon'ble Mr. Marr when I discuss the price policy. But there seems to be a progressive enhancement of prices of administration reports, and the Irrigation Department is the one department which has priced its publications at the highest figure. I do not know what is what, but these are facts, and I am bringing them before you for redress.

There is another point to which I want to call the attention of the House. It is the subterfuges resorted to while preparing the accounts. I do not know whether there is any one in this House, barring perhaps the Finance Secretary, who would be able to understand the intricacies of these accounts. I shall give you a specimen, and that appertains to the Madaripur bil route scheme. In the white book you will find that this scheme is shown under two accounts: one "Capital accounts," and another "Not charged to revenue." I fail to understand how the waters of the Madaripur bil can be separated into two

partly to be debited to two separate accounts. The whole scheme stands together, and the accounts should be prepared in such a way as to be understood not by Mr. Addams-Williams alone but by laymen like us. I think, Sir, it would be desirable to have some instruction in the Legislative Manuals to tell us how these accounts should be prepared for budget purposes and can be understood.

I admit, Sir, that the department is under-staffed. I have personally looked into this matter, and I say that if the department is strengthened it would be able to do much good, of course if it had a mind behind it. There are certain officers who are over-worked, but it is also true that there are some who have an easy time. For instance, in the Nadia Division there is no work in hand now, as they have no funds. The only real work that they had was bandalling work and now taken out of them. Of course, they read the gauges, study the levels, and perform other routine duties. Sir, the department has failed to tackle the river problem. They inspect, watch, study, calculate, revise but do no real work. There seems to be an impression that the Hardinge bridge will have to be shifted as the Padma will change its course. They do not move out to see how this problem is day to day assuming a serious turn. I would ask the Hon'ble Member to have a look at the river Churni or Matabhanga from the railway bridge. He will see the tremendous amount of silt that has been deposited round about the pillars supporting the bridge and yet when I asked a question of a distinguished officer of the Irrigation Department whether it would affect the flow of the river, he said: "No: the watercourse will improve." Anyway, Sir, these are matters which are puzzling to a layman.

Sir, I have got to say a few words about the dredgers. Dredgers have been the mainstay of the department for years past. We swear by our dredgers; we live by our dredgers; and probably we shall die by our dredgers. During the last 10 years Bengal had to pay Rs. 1,11,83,187 in interest and capital charges on three dredgers only without getting any tangible work for them. Well, Sir, if after this anybody says that Bengal should have more funds he can easily be told "you have been muddling with your finance, you embark upon schemes without looking into the future, and, therefore, you do not deserve to have more funds." Sir, we do not want to be obstructive. What we want is that the position should be thoroughly revised and that the matters should not be allowed to drift to such a state that all our available grants will some day be devoured by interest charges. Something must be done, and with a view to that I am trying to draw the particular attention of the Irrigation Department as to the necessity for appointing a special committee to go into all these matters. Let

the dredgers be sold. If it is not possible to sell these dredgers, it would still be better if by some show of accident they are sunk in the nearest available bay and the province thus saved of a lot of useless recurring expenditure.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 20th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 20th March, 1930, at 3 p.m.

Present:

Mr President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 121 nominated and elected members.

Starred questions

(to which oral answers were given).

Muhammadan and non-Muhammadan ministerial officers of certain offices under the Public Works Department.

*82. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state the respective and present number of Hindu and Muhammadan ministerial officers including estimators, draftsmen, work sarkars and godown lower and upper subordinates in the offices of the Superintending Engineers, Central, Eastern and Presidency Circles, the Executive Engineers, Dacca, Barisal, Burdwan and Hizli, the 1st, 2nd and 3rd Calcutta and Electrical Divisions and the Superintendent, Governor's Estates, Bengal?

(*b*) If the number of Muhammadans in the aforesaid offices is less than the proportion fixed by Government, what is the reason for the same?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Farequi): (*a*) The required information is given in the annexed statement.

(*b*) The proportion of Muhammadans in ministerial services has not yet been reached in several cases. The non-Muhammadans who hold the several posts were appointed previous to the issue of the orders fixing the percentage of Muhammadans.

Statement referred to in the reply to starred question No. 82 (a) showing the respective and present number of non-Muhammadan and Muhammadan ministerial officers employed in the different offices under the Public Works Department.

Name of office.	Correspondence clerks.		Typists.		Unpassed Accounts clerks.		Sub-divisional clerks.		Estimators.		Draftsmen.		Blue printers.		Tracers.		Work sarkars.*		Godown upper and lower subordinates.	
	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.
Superintending Engineer, Presidency Circle—																			There is no such establishment under the Public Works Department.	
Permanent	11	..	1	1	..	..	..	..	3	..	1	..	..	..	..	..	..	..		
Temporary	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..		
Executive Engineer, 1st Calcutta Division, including Plumbing Expert's office—																				
Permanent	7	..	1	1	5	..	3	1	3	1	3	3	..	..	1	..	..	..		
Temporary	2	3	..	..	..	1	1	1	1	..	1	1	..	..	..	..	..	..		
Executive Engineer, 2nd Calcutta Division—																				
Permanent	6	1	2	..	7	..	5	..	3	..	1	2	..	..	..	..	..	..		
Temporary	1	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..		
Executive Engineer, 3rd Calcutta Division—																				
Permanent	5	1	1	..	5	..	3	..	3	..	2	1	..	..	..	..	..	..		
Temporary	..	..	..	..	1	..	1	..	..	..	..	..	..	..	1	..	..	..		
Executive Engineer, Electrical Division—																				
Permanent	5	1	1	..	3	1	2	1	2	..	1	1	2	..	..	..	..	..		
Temporary	1	2	..	..	..	2	..	1	1	..	1	..	..	..	..	..	..	..		
Superintending Engineer, Central Circle—																				
Permanent and Temporary	13	1	1	1	..	..	..	..	3	..	1	1	..	..	..	..	..	..		

Executive Engineer, Hijli Division— Permanent and Temporary	5	2	..	1	5	..	5	1	1	1	1	..	..	..	1	1	11	..
Executive Engineer, Burdwan Division— Permanent and Temporary	5	2	1	..	2	3	2	1	2	1	1	1	..	..	2	..	15	2
Superintending Engineer, Eastern Circle— Permanent	14	2	2	..	..	..	..	..	4	..	2	..	..	..	1	..	..	..
Temporary	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Executive Engineer, Dacca Division— Permanent	8	1	1	..	5	..	3	..	2	..	4	..	..	..	..	..	..	..
Temporary	..	..	1	..	1	1	..	..	1	..	4	..	..	..	..	..	13	3
Executive Engineer, Bakarganj Division— Permanent	5	2	..	1	2	1	1	3	2	..	1	1	..	..	..	..	..	..
Temporary	..	2	..	..	1	2	..	..	1	..	3	..	..	..	..	..	6	..
Superintendent, Governor's Estates, Bengal ..	6	..	1	..	1	..	1	..	1†	..	..	..	..	..	..	..	7	..

There is no such establishment under the Public Works Department.

* Work sarkars are not treated as ministerial establishment as their pay is charged to works on which they are employed.
† The post is designated Estimator-draftsman.

Supply of court-fee stamps and folios at Tangail Sub-Treasury.

*83. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that hardship and inconvenience are often experienced by the lawyers and litigant public at Tangail owing to the inadequate supply of court-fee stamps and folios, etc., by the Subdivisional Treasury of Tangail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, the Government propose to take in the matter?

(*c*) Are the Government considering the desirability of holding an inquiry into the matter?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Inquiry has been made. The inconvenience is reported to be due to the failure of the stamp vendors to take a sufficient stock of stamps from the sub-treasury.

(*b*) and (*c*) The Collector is taking steps to ensure that the stamp vendors keep a sufficient stock.

Vacancies in the reading branch, Bengal Government Press.

*84. **Maulvi LATAFAT HUSSAIN:** Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that employees from other branches of the Bengal Government Press without any knowledge of the reading branch are transferred to fill up the vacancies in the reading branch even at the middle grade?

The Hon'ble Mr. A. MARR: No.

Ministerial officers, Presidency College.

*85. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the present number of ministerial officers in the Presidency College, Calcutta;

(*ii*) their names, caste and creed;

(*iii*) the educational qualification of each;

(*iv*) the present pay of each; and

(*v*) the date of their appointment in the College?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): A statement giving the particulars is laid on the table.

Statement referred to in the reply to starred question No. 85 showing the present number of ministerial officers in the Presidency College, Calcutta.

	Name.	Caste and creed.	Educational qualifications.	Present pay.	Date of appointment in the Presidency College.
	Office.			Rs.	
1.	Surendra Nath Ganguly.	Hindu, Brahmin ..	Appeared at the F.A. examination.	190	16th January, 1929.
2.	Atul Krishna Chatterjee.	Ditto ..	Read up to B.A., B Course; Passed P. W. D. Accountantship examination.	175	27th March, 1905.
3.	Ram Ranjan Majumdar.	Hindu, Kayastha ..	Passed Entrance examination of Calcutta University.	145	December, 1912.
4.	Hiralal Mukherjee ..	Hindu, Brahmin ..	Entrance ..	125	1st February, 1919.
5.	Dhirendranath Mukherjee.	Ditto ..	Read up to I.A. ..	175	16th February, 1914.
6.	Bhupendra Nath Banerjee.	Ditto ..	Appeared at the first examination in Arts.	115	3rd January, 1905.
7.	Ananta Deb Mukherjee.	Ditto ..	Non-Matric. ..	65	1st December, 1910.
8.	Abdul Latif Sarkar	Mussalman, Sunni	Passed Matric. ..	65	6th June, 1921.
9.	Bibhuti Bhusan Ghosh.	Hindu, Kayastha ..	Ditto ..	60	1st March, 1921.
10.	Syed Bukht Chaudhury.	Mussalman, Sunni	Non-Matric. ..	65	2nd August, 1920.
	Library.				
11.	Gokul Nath Dhar ..	Hindu, Subarnabanik.	B.A. (Cal.), read up to M.A. in English.	190	1st July, 1909.
12.	Syed Ali Akhtar ..	Mussalman, Sunni	Read up to I.A. ..	100	5th April, 1915.
13.	Pareshnath Paul ..	Hindu, Subarnabanik.	B.Sc. (Cal.) ..	40	4th May, 1928.
14.	Md. Ismail Hossain	Mussalman, Sunni	B.A. (Cal.) ..	40	30th January, 1930
	Laboratory.				
15.	Narendralal Mukherjee.	Hindu, Brahmin ..	Non-Matric. ..	51	20th May, 1897.
16.	Nityalal Palit ..	Hindu, Kayastha ..	Passed Compounder, Campbell Medical School.	47	1st October, 1901.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state the reason why the gentleman who was appointed after appearing at the F. A. examination in 1929 is drawing Rs. 190, while the same pay is drawn by a gentleman who was appointed after passing the B. A. examination in 1909?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want fresh notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state since what date appearance at the F. A. examination has become an educational qualifiction?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is not an educational qualification.

Maulvi Syed MAJID BAKSH: Will the Hon'ble Minister be pleased to explain why Babu Hiralal Mukherjee (No. 4), a passed Entrance, who was appointed in 1919, is drawing Rs. 125 and Maulvi Syed Ali Akhtar (No. 12), who read up to F. A. and was appointed in 1915, draws a pay of Rs. 100 only?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want fresh notice.

Unstarred questions

(answers to which were laid on the table).

Misappropriation in the Accounts Branch, Finance Department.

85. Babu HOSENI ROUT: Will the Hon'ble Member in charge of the Finance Department be pleased to state whether there have been any cases of misappropriation of Government money in the Accounts Branch of the Finance Department both in Calcutta and at Darjeeling during the last 7 years and if so, how many, and who were the Registrars and Assistants in charge in the Calcutta and Darjeeling offices respectively during the times of these defalcations?

The Hon'ble Mr. A. MARR: One case of misappropriation in the Darjeeling tour office in 1926. At that time Rai Sahib H. S. Mukherjea was Registrar of the Department and Rai D. N. Bhattacharjea Bahadur the Head Assistant in charge of the Darjeeling tour office.

Congestion and heat in the office rooms of the Finance Department.

86. Babu HOSENI ROUT: (*a*) Is the Hon'ble Member in charge of the Finance Department aware of the complaints made some time ago with regard to the sufferings of the assistants in the Finance Department on account of congestion and extreme heat caused by iron racks, shelves, etc.?

(*b*) If so, what action has been taken for the removal of the grievances?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) In the hot season the rooms are kept cool by suspending and watering *khus khus* tatties.

Attendance of Hindu typists in the Finance Department during a Hindu holiday.

87. **Babu HOSEHI BOUT:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to say whether his attention has been drawn to the complaint made some time ago against the compulsion of typists, including Hindu typists, to attend office in the Finance Department during a Hindu holiday?

(*b*) If so, what action has been taken against the officer responsible for this compulsion and to prevent such occurrences in future?

The Hon'ble Mr. A. MARR: (*a*) and (*b*) No such complaint has been received.

Short notice questions.

Ban put on the medical degrees in India by the General Medical Council.

Mr. SYAMAPRASAD MOOKERJEE: May I have your permission, Sir, to put some short notice questions to the Hon'ble Minister in charge of the Medical Department on a matter of general public importance?

Mr. PRESIDENT: I think you want to put these questions by a relaxation of section 24; but then the consent of the Hon'ble Minister is necessary to your putting them. However, what are the questions?

Mr. SYAMAPRASAD MOOKERJEE: Is the Government aware that the Governor of Bombay allowed an adjournment motion to be moved in the Bombay Legislative Council on the question of ban put on the medical degrees in India by the General Medical Council?

Will the Hon'ble Minister kindly inform the House if he was consulted on the adjournment motion that stood in the name of Dr. Sir Nilratan Sarkar? If so, what advice did he offer to His Excellency?

Is the Government aware that the decision of the General Medical Council will have serious effects on the medical services in respect of our medical graduates who desire to prosecute further study in Great Britain, or compete for the I. M. S. Examination?

Will the Hon'ble Minister state what steps he has taken, or intends to take, to meet the situation created by the decision of the General Medical Council?

Does the Government propose to address the Government of India on the subject?

The Hon'ble Mr. A. N. MOBERLY: May I rise on a point of order? The matter of advising His Excellency regarding the adjournment motion does not concern the Hon'ble Minister?

Mr. PRESIDENT: I disallow the first two questions as these are not within the special cognisance of the Hon'ble Minister, as required by our rules. I admit the rest.

MINISTER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): I want porper notice.

DEMANDS FOR GRANTS.

The discussion on the head "XIII, 15, 15 (1), 16 and 55.—Irrigation" was then resumed.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, in moving this cut, I referred to certain workings of the Irrigation Department. I will conclude by referring to one other matter and that is about the Madaripur Bil Route. This route is between the Lower Kumar and the Upper Kumar river. It has a length of 38 miles, of which the Lower Kumar portion is only 11 miles. From 1924 to 1928 the Government of Bengal has spent about Rs. 15 lakhs with a view to keep this route in proper order; and the receipts during that period, in spite of the fact that the toll charges have been increased by 50 per cent., amounted to only about Rs. 14 lakhs. The main river in the upper reaches may be permitted to be dry and even a country-boat may not pass; but the steamer navigation for few miles is of such absorbing interest that even lakhs are of no moment in public economy. It is really here that the grievances of the people lie and the situation calls for urgent remedies. The State will outlay lakhs where even the Department in unguarded moments of despair records its uneasiness at the maintenance of a desirable fairway. Maintaining, deepening, dredging, bandalling have all been tried and now come locks and sluices at an estimated

cost of Rs. 7 lakhs. Sir, I consider that it is the moral duty of Government first to keep the Kumar at its upper reaches, because its officer was responsible for killing it. I do not know if it is known that in 1820 Mr. Robinson, Superintendent of the Nadia Rivers Division, attempted to close the mouth of the river with a view to getting more water for the Calcutta Port. Mr. May, who succeeded him, commenced in 1821-22 to close the mouth by sinking caissons filled with bricks and boats laden with earth at its off-take from the Mathabhanga. I think, Sir, that it is therefore the moral responsibility of Government to see that the Kumar which is dead is revived again at its off-take from the Mathabhanga and enters————

(At this stage the member having reached the time-limit, was allowed to continue for another minute.)

Khan Bahadur Maulvi AZIZUL HAQUE: The Hon'ble Member in charge of the Irrigation Department was perplexed the other day at so many William's in the engineering services. In spite of his perplexity and anxiety regarding the difference of opinion between Williams in the prefix and Williams in the suffix, I would ask him to get the two William's, viz., Williams (prefix) and Williams (suffix) to meet together and discuss the matter. We have not heard a greater condemnation of the Irrigation policy and the working of that Department than that passed by Sir William Wilcocks, who is the greatest Irrigation Engineer of world repute. It will be no good to say that he does not know the real condition of Bengal. You will have to face him, meet his arguments, convince him, or stand condemned before the bar of public opinion. In view of these facts and in view of what Sir William Wilcock has said, I hope the Hon'ble Member will kindly see that the two gentlemen meet and discuss the whole situation; and the Government of Bengal may have the advantage of his opinion on the matter.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 13,87,000 under the head "15.—Irrigation" be reduced by Rs. 1,000.

Sir, I tabled this motion with the twofold object of criticising the general policy as well as the administration of the Irrigation Department. But after the very comprehensive, illuminating and scathing criticism of the administration of this department by my esteemed friend, Khan Bahadur Azizul Haque, I do not think it will be useful for me to offer any further remarks so far as that point is concerned. I would therefore confine myself to criticising in short the general policy of this Department. Khan Bahadur Azizul Haque had no time to deal at length with that point and that is the reason why I have thought fit to move my motion. Sir, the problem of problems is

Bengal seems to me to be the dead and dying rivers and *khals* of Bengal. Wherever we find that these rivers and *khals* are dead, we also find that the country in general is dead. The areas which were once prosperous and flourishing and teeming with a smiling population are now depopulated hot-beds of malaria and other diseases. If we look into the reason, we find that the cause is no other than the dead and dying rivers of those parts. So far as this is concerned, our experience has been borne out by the remarks which Sir William Wilcocks recently made in his speech in Calcutta. His view is that the solution of the problem lies in reviving these rivers and *khals*, whereas the policy of the Government of Bengal seems to be contrary to that. We are not experts. Therefore we cannot say who is right and who is wrong but if the lessons of experience are to be relied upon it cannot be doubted that Sir William Wilcocks is right because, wherever rivers are dying we find that the country is also decaying and wherever the rivers are flowing the country is prosperous. Therefore the two things go hand in hand and from that it seems very clear to a layman that the solution of the problem lies in reviving all these rivers and *khals*. But the Government of Bengal has not hitherto followed the policy advocated by Sir William Wilcocks and it seems that unless the Government revises its policy the condition of Bengal cannot be improved. Sir William Wilcocks says that if his policy is given effect to, it will entail far less expenditure because he says that the task of Government in that case will be simply to revive the rivers and *khals* so as to make water flow through them during the rains. And during rains if the rich red water of the flood overflows the country then in that case not only will malaria be driven out from the province but the fertility of the soil will naturally be improved to a great extent. Khan Bahadur Asisul Haque has said that Sir William Wilcocks is now in Calcutta. It passes one's comprehension why the Government of Bengal has not yet moved to utilise his services at least to get his advice on the matter. Of course the Government has got its own expert of experts. Perhaps the Government of Bengal thinks that its own experts are far superior to Sir William Wilcocks. We laymen cannot blame the Government if it actually holds such exaggerated opinion of its own experts. Still I think it is only prudent that Sir William Wilcocks should be consulted because he is a man whose authority and name is known throughout the world and I think the Government cannot give any reason whatsoever for fighting shy to meet that gentleman. I do not know whether there is any truth in the rumour which is now afloat in Calcutta that Sir William Wilcocks of his own motion tried to see the Government expert. But unfortunately on the ground of illness the Government expert could not see Sir William Wilcocks. I cannot vouch for the truth of this rumour, but if there is truth in that, it is now for the Government to seek

his advice and to revise its policy of irrigation in consultation with Sir William Wilcocks.

With these few words I move my motion.

Maulvi ABDUS SAMAD: I beg to move that the demand of Rs. 13,87,000 under the head "15.—Irrigation" be reduced by Re. 1 (to express dissatisfaction with the general policy of the Government and its indifferent attitude towards the Department).

Sir, the Reformed Constitution gives us, the members of this Council, an opportunity to discuss the budget. It also gives us the power to express disapproval of the Government policy by proposing cuts for reduction or total refusal of a voted grant. The Reformed Constitution does not, however, give us any control over the purse. Therefore, our criticism of Government policy produces no good effect whatsoever. Year after year members come and deliver long and eloquent speeches, and these are published in the official reports and newspapers. But to tell you frankly, Sir, the object of my speaking something about the motion is to please my constituency, so it may not be said that I did not speak anything about this matter.

My object in bringing forward this motion is obvious. I desire to draw the serious attention of Government to the hopelessly neglected condition of irrigation in Bengal and the condition of the rivers and the river system in the province.

Sir, the question of irrigation is undoubtedly a very big problem. It is a problem in which the people of Bengal are vitally interested, a problem upon the solution of which depends the happiness and prosperity of the nation. I put the plain and simple question to Government. What has Government so far done to bring about a tangible and lasting improvement so far as irrigation is concerned?

Perhaps we would be told that important schemes have been and are being formulated and attempts are being made to carry them into effect. But we know the fate that awaits these schemes. These would be held over till Doomsday for want of funds. We are thankful to the Hon'ble Member in charge of Irrigation for his candid admission that the lack of funds stood in the way of giving effect to the scheme for the expansion of this Department.

Sir, it is no use criticising the Government policy in the matter of allotment. It is true the Reformed Constitution gives us the right to criticise the Government policy to our heart's content and to express our disapproval by proposing cuts or reduction. But our power ends there and does not go further. The Reformed Constitution, as I have said, does not give us any control over the purse, and however hoarse we may cry, we cannot change the policy of the Government to any appreciable extent.

Sir, the time has come when the Government should shake off its age-long lethargy and indifferent and initiate suitable measures for the improvement of irrigation, for upon irrigation depends the agricultural prosperity of the people. Sir, we will probably be told that there is no money available for the purpose. Why is money not available? Because the major portion of the country's revenue is spent in maintaining law and order. The Government is always moving in a mischievous vicious circle. It fails to recognise that————

Mr. PRESIDENT: I do not think you need go into all that. The matters you are referring to do not concern your motion.

Maulvi ABDUS SAMAD: Very well, Sir. I need not repeat the arguments which have already been advanced by previous speakers. With these few words, I commend my motion to the acceptance of the House.

The following motions were called but not moved:—

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 13,87,000 under the head '15.—Irrigation' be reduced by Re. 1 (to raise the question of the blocking of the natural waterways and channels. Want of a survey of the real needs of the districts)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 18,59,000 under the head 'XIII.—Irrigation—Working Expenses' be reduced by Rs. 1,000 (to disapprove of the present policy and working of the Irrigation Department)."

Babu SATISH CHANDRA RAY CHOWDHURY: I propose to be brief with my motoion, which runs thus:—"That the demand of Rs. 32,46,000 under the heads '15.—Irrigation' and 'XIII.—Working expenses' be reduced by Rs. 100 (to draw the attention of the Government to the condition of the rivers and river systems and the waterlogged areas of Eastern Bengal and how this affects agriculture, sanitation and communication)." As our esteemed friend Khan Bahadur Azizul Haque has, in the course of his very able and illuminating exposition of the policy of the Department, practically said all that could be said on the Government policy and as I apprehend this House may not like any poor speech to intervene to mar the effect of that speech before the decision of the House is recorded.

Sir, the policy certainly of the Irrigation Department—the policy of huge expenditure on navigation and large schemes of irrigation of doubtful value—are certainly responsible for the shrinkage in the

resources of the Department leaving no money for carrying out the very necessary works of rural irrigation and sanitation on which the very life of the nation depends. We have all heard of the romance of the dredgers—*Ronaldshay*, *Cowley* and *Burdwan*—the interesting devices and crafts by which a true knowledge of the working of the Department are kept from us with the attention that they deserved. I confess, Sir, that I rose from my first study of the Bengal Budget with dazed eyes and a sense of blank despair led me to cry *quo vadis* Bengal! The Irrigation Department seems to be the residuary legatee of the Financial Department which, after meeting the needs of the most favoured departments—the Police, etc.—allows the Irrigation to absorb practically the bulk of the rest. I will not go into the causes. They have been sufficiently and scathingly exposed by the Khan Bahadur. It is difficult for anybody not in intimate contact with our rural areas to understand the magnitude of the problem of our dead and dying streams in Eastern Bengal.

As I am more concerned with the health and the wealth of the rural areas—the internal tracts—I will confine my remarks accordingly. I leave the problem of the big rivers to the Department and their experts.

If the big rivers are the great arteries the streams and khals which intersect the country at short intervals are the veins along which at one time flowed the health and wealth to the remotest parts—the peripheries—and kept the country full of health and life.

A time there was, we can all recall it, in our younger days when each village was intersected and watered by at least one and sometimes more than one of such streams, giving rise to the Shastric injunction "Where there is no river man should not live." Are we men now? These streams used to perform a three-fold function—

(*1*) As trade routes.

(*2*) As irrigating canals.

(*3*) As drainage.

On the first and second depended the wealth and on the third the health of Bengal villages.

Who of us can fail to remember those scenes we saw in our younger days—when each stream was busy with the hum of life, of boatmen singing merrily their pastorals and their ballads and with the proud white sails unfurled against the blue sky sailing up and down the

streams, their boats laden with merchandise brimful of our agricultural products and the products of our village arts and crafts. These scenes no longer regale our eyes.

The interior villages used to send their goods by this mode of cheap conveyance to the open market and thus making a large profit and similarly they brought back to the villages at much cheaper rate the necessaries and the amenities which they could not themselves produce. Who will to-day calculate how much of our house and village industries depended for their prosperity in the past on this cheap mode of distribution? It is a painful sight now to see that with the decay of these canals and waterways our industries have died out. The Railways in some places have replaced them but at tremendous cost. Our Railways do not help the growth of our indigenous industries. In more cases than not they carry away the raw materials and cause impoverishment by scattering luxuries.

However, the Railways have not been extended to all parts, and therefore even if they are useful in some ways, they do not yet claim and can never claim to completely substitute the streams.

It is difficult at this day to fully understand the great purpose the irrigation canals at one time subserved, of which some indication has been given by that expert, the utterance of whose name will probably diminish the value of my case—Sir William Wilcocks—so full of sympathy for the people of the country.

These streams used to do the work of *overflow irrigation* and thus restore and increase the fertility of our soil every year. This is a matter of experience with us and how can we deny it?

These streams used to bring the rich flood waters of the big rivers at full monsoon tide and cover over the fields up to the remotest interior parts with the rich deposit of silt and during early monsoon, when the fields must be kept comparatively dry and waterless to help sowing, the rain waters used to be quickly drained off before they caused widespread destruction of crops as they are doing now almost every year. This is the reason why not very long ago our fields used to yield three crops and yet not deteriorate.

The effect of the silting up of these streams has therefore been disastrous on our agriculture. We have now more lands under crops but less crops.

If the area that is now placed under the jute and the outturn is compared with the outturn, area for area, of a few decades ago, I think the truth will be borne in upon our minds easily.

I now come, Sir, to the question of drainage.

Nobody, I hope, will deny how serious a deterioration the health of the villages have undergone owing to the blocking of these natural or man-made outlets. There are places and areas which from being smiling fields have been converted into morasses breeding mosquitoes. The bheels, etc., which at one time used to be annually flushed, leaving a clear reservoir of drinking and bathing water covered with lotuses of incomparable beauty and which used to supply the needs of the villages throughout the year are now stagnant pools covered with water hyacinth in some places strong enough to bear the burden of men and cattle.

This brings me to the question of the water hyacinth which I think has been very much helped in the propagation of the species by the waterlogged condition of our streams and khals. In the open streams these pests cannot stand and propagate and are quickly carried down. But wherever there is an obstruction to their free flowing out, they breed and propagate till the whole area becomes a solid mass and gradually extend into private fields a serious enemy of agriculture. Private efforts are no doubt being made with various results to drive them out of fields, but unless the streams can be cleared, these efforts can never lead to complete success. In my district the tremendous initiative given to private efforts by Mr. G. S. Dutt, a Civilian amongst Civilians and a high souled patriot, if supplemented by Government aid, is sure to lead to great results.

I believe this problem is also connected with the problem of Irrigation and Drainage.

We had great hopes roused in our minds at one time when the Hon'ble Mr. Ghuznavi as Minister showed some activities in this direction by trying to rouse and enlighten public opinion on the subject. I think, Sir, he had drawn his inspiration from his intimate contact with Eastern Bengal where the problem is demanding urgent solution. But since the Hon'ble gentleman got himself translated into a safer and more comfortable seat in the Executive Council, we no longer find him wasting a thought on the problem, although his being in charge of the Irrigation Department has rather increased and extended his opportunity in the light of what I have already said.

What is the remedy of this problem which to my mind is the problem of all problems? Our dead and dying rivers must be resuscitated at any cost, if the people are to live free from malaria and kala-azar and such other diseases and if they are to have enough to live upon and if they are to live as healthy beings.

The merest apology of a remedy has been provided by the Village Sanitation and Drainage Act. I have experience of its working in one case, and so I know why its provisions are not being very largely

resorted to. Here the people have got to find the money, the Government grant being optional. Then again, these schemes take such a long time to receive sanction that any effort to get them through becomes a wild-goose chase. Better and more practical remedies are therefore required. The course I would suggest, Sir, if the Department really means business and if they want to carry out even a part of this self-imposed task, is that all the district boards of the province be invited to report after consultation with all the union boards as to what schemes of irrigation and drainage are in their opinion necessary to open up the internal areas of the whole district for health and wealth, noting down the most urgent ones in order of their importance. When the Department is in possession of the reports from all the districts, then they may depute their experts to each district to examine these schemes in the light of the opinion of the leading bodies of each place and from their own engineering point of view. The works should then be taken up in order of their importance in all the districts under the supervision of an expert for each.

If works are begun in this way with a single aim to the interests of the people, it will be possible to bring back yet the old days when in every village health and plenty cheered the labouring swain and when hilarity and cheer sweetened their daily life and when our peasantry did not wear the emaciated and woe-begone looks which mark them out now.

3-45 p.m.

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): Sir, yesterday there was a plethora of eloquence from the members of this House and the sequence has not been broken, as there has been a plethora of rhetoric to-day, too. The flood of eloquence was started yesterday by my hon'ble friend Khan Bahadur Maulvi Azizul Haque, when he brought forward before this House a bill of indictment seriously charging the Department of Irrigation with all sorts of crimes and misdemeanours sufficient to damn the Department and I felt that I was once more witnessing that famous trial in some other part of the world many years ago, viz., the trial of Captain Dreyfus in the heart of Paris where before a distinguished judge and jury, there was eloquence enough to carry them off their feet and make them pronounce a verdict of guilty. But, Sir, time has vindicated Captain Dreyfus and time, I am sure, will vindicate the Department of Irrigation.

Now, Sir, I will take up the charges one by one. The first charge was that this Department lacked in their endeavours to combat the evil of what is called the Lilac Devil. A lurid picture of the devastation

caused by this pest was drawn before this House by my hon'ble friend Khan Bahadur Maulvi Azizul Haque. Sir, may I be permitted to put some touches here and there to that lurid picture. When I was in charge of the Department of Agriculture and Industries, I ascertained with the help of an indefatigable officer that this pest was causing damage to the extent of Rs. 47,50,000 in a single district and we could quite imagine how many crores of rupees worth of damages were being caused to the whole Province. May I tell my hon'ble friend that but for the fact that continuity of work had been disturbed by the so-called ultra-nationalist members of this House, we would have heard a different tale to-day. But at the same time I would like to ask my hon'ble friend, what has that got to do with the Irrigation Department? There has never been any question as to which department was responsible for initiating the campaign against this pest. It was certainly not this Department. I submit it was the Department of Agriculture and Industries. (Khan Bahadur Maulvi AZIZUL HAQUE: May I remind the Hon'ble Member that the Department of Agriculture has renounced that duty.) If my hon'ble friend would only hold his soul in patience and wait till he has read the report to which I referred yesterday in which the members of the Committee have made certain recommendations to deal with this question, he will know more about it. When Government will have considered their recommendations and carefully examined the question and when certain portions of the duty of fighting this pest is actually laid on the shoulders of the Irrigation Department, it will be time then, and not till then, to charge this Department with dereliction of duty.

Sir, my hon'ble friend also tried to drown this Department with a flood of ridicule. He said that we have allocated Rs. 600 only for the eradication of this evil. It is nothing of the sort. I may tell him that it is merely a small sum allocated for the purpose of removing water hyacinth from a certain channel and nothing more.

Sir, we have been told both yesterday and to-day about the condition of the dying and dead rivers in Bengal. Nobody regrets it more than I do. As I have already said, this Department is woefully undermanned and frightfully understaffed, and with the best of intentions in the world and with the help of one of the most hard-working engineers—Mr. Addams-Williams—and all those who work with him, it is not possible to attend to all the various and multifarious problems which confront the Department.

My hon'ble friend has also talked about a certain peculiarity of this Department, namely, that when a certain project such as the Grand Trunk Canal project was dropped, another big project such as the Damodar Canal project was taken up. Sir, it

is not for me to defend to-day either of these two projects. But I can assure the House of the fact that Government have, at the present moment, taken a view with regard to this which I shall presently refer. I might, however, by way of illustration, say that at the time when I took up this Department there was a good deal of suspicion—a rank suspicion, in the atmosphere—so much so that a certain section of the Press held that the new Member-in-charge was about to bring the Grand Trunk Canal project again out of his sleeves, and force it down the throat of the public. But time has again shown that these conjectures were false. The intention of the present Government is to constitute a Waterways Board with statutory powers and it will be for that Board, when constituted, to examine from day to day all questions such as these which face the Irrigation Department, and it will be for that Board either to condemn such projects or to bestow their benedictions on them.

My hon'ble friend also referred to some white elephants, I mean the dredgers. I may tell him with respect to one of these dredgers, namely, *Ronaldshay*, we have succeeded in letting it out on hire for Rs. 1,500 a day which will come up to something like Rs. 4 lakhs a year, and shall thus pay off all the interest and other charges. This, I hope you will agree, has proved an excellent business proposition and may be laid to the credit of the Department in its new orientation.

This Department has also been charged with the habit of making over the constructions of bridges and various other works to the Calcutta Improvement Trust, Calcutta Corporation and so forth. May I remind my hon'ble friends that the Calcutta Improvement Trust is obviously in a better position than the Irrigation Department to construct these bridges because it has an organisation on the spot in Calcutta which is habitually engaged on construction work. And as regards cost, the Trust, the Corporation and the Government have undertaken to share these liabilities in respect of these bridges. It cannot be said that this Department have merely paid down money to this party or that as a dole for the construction of bridges. Whatever money has been paid by this Department to this party or that party, has been merely in discharge of its share of liabilities.

My hon'ble friend, the Khan Bahadur, has also pointed out in glowing colours what he was pleased to call the subterfuges of accounts. Sir, in this connection I may be permitted to recall a certain anecdote. Once upon a time there was a famous man who possessed three kinds of calligraphy. One kind could be read by everybody, the second was one which was only decipherable by himself, and the third kind was one which was decipherable by nobody. I am not aware into which of these categories my hon'ble friend would like to place the accounts of the Irrigation Department. If it be in the last category, I am not

in a position to help him. But if it is in the other categories then I can help him, if he goes to my room some day in Writers' Buildings where I shall be glad to explain to him the intricacies of these accounts, if necessary with the help of the distinguished Engineer Mr. Addams-Williams. My hon'ble friend in his modesty disclaimed any knowledge of arithmetic.. This is entirely in keeping with his natural modesty of which he has given ample proof before the members of this House.

Sir, my time being short, I do not propose to go into all the various points raised by the members especially by my hon'ble friend, the Khan Bahadur, I shall, however, just say a few words on the importance of the Committee which has been constituted, and I shall begin by referring to one or two things which have been mentioned in the House with regard to Sir William Wilcocks.

4 p.m.

Maulvi Tamizuddin Khan and the Khan Bahadur gave the members of this House to understand that Government have in a manner given a wide berth to Sir William Wilcocks. This, however, is not the fact. Sir William Wilcocks appeared before the Committee, and more than that, I, in my private capacity, expressed a desire to meet him, and by issuing invitations to various members picked out from those interested in irrigation, asked them to meet Sir William Wilcocks. I am sure if he is here I shall see more of him.

Now I confess that so far as I am concerned when I first took over charge of this department I felt like Hercules, who was given twelve labours to perform and one of these labours was to clean the stables of Augeas, King of Ellis. I must tell you also that when I first took over the portfolio of Irrigation, I found that this Department consisted of Irrigation, Navigation, Embankment, Drainage works and so forth and all seemed to me to be so mixed up that it resembled as it were a huge maze without a plan. One of my first acts was to consider how to clean the Irrigation Department "stables."

In pursuance of a recommendation of the Royal Commission on Agriculture, it was announced just a year ago in this House that Government had decided to appoint a Committee of experts to examine the organisation and functions of the Irrigation Department as at present constituted and suggest measures for improvement. We are told that Hercules finding his task of an overwhelming nature diverted the waters of the Alpheus into the stables. In my case, I confess, I was powerless to divert any such stream as effectively as Hercules, but I think the members of this House will agree that Government may claim that it has shown great expedition in getting together expert officers to put our house in order, in the Irrigation Department, in face

of considerable difficulties, in the short space of twelve months and what is more, for having secured from this Committee a valuable report which it is hoped will shortly be in the hands of every member of this House.

Bengal has got the finest system of waterways in the world. There are something like 20,000 miles of waterways, major waterways alone, not to speak of minor ones. I admit with great regret that unfortunately these waterways had been neglected in the past. Apart from the irrigation problems proper, there are other problems which arise directly from the deltaic character of the province and the presence of our vast waterways. I must, however, declare at once that failure in tackling these questions has not in the least been due in the past to any laches on the part of this Department. The multiplicity of the problems themselves would make it difficult for any department to deal effectively with any of them. Furthermore, this Department has been woefully undermanned and the head of this Department, Mr. Addams-Williams, who is the most hardworked individual in the Secretariat, in spite of his diligence, in spite of his industry, found it impossible to extend the activities of this Department to the solution of all the various problems that it is faced with. A proposal for the necessary expansion of this Department was submitted two years ago, but unfortunately owing to the paucity of funds nothing could be done. Thus from all points of view, Government came to the conclusion that the first essential step was to get together a Committee of experts to examine not only the questions connected with the waterways but also the whole irrigation policy of the Government of Bengal. The Committee has also been asked to advise Government on the question of the constitution of a Waterways Board with statutory powers. It is proposed that the Board should be modelled on the lines of the Calcutta Improvement Trust and its business would be to deal, from day to day, with all questions affecting the various problems that present themselves to this Department. The Committee was asked to advise Government on all these points. It will be found that their report deals not only with the question of reorganisation of the Department and the subject of waterways, but it also deals with the irrigation policy of the Government of Bengal. It will be found that much of the criticism which has been directed and levelled against this Department by means of the various motions has been dealt with, and dealt with conclusively, in the report which has been submitted by the members of this Committee and which, as I have said, it is hoped will be in the hands of the members of this House very soon.

(Here the Hon'ble Member having reached his time limit resumed his seat).

The motion that the demand of Rs. 13,87,000 under the head "15.—Irrigation—Other Revenue Expenditure, etc." be reduced by Rs. 1,000

(to draw attention to the failure of the department to tackle the problems of the dead and dying rivers in West Bengal, and of water-hyacinth in Eastern Bengal) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu Mr. Narendra Kumar.
Bose, Mr. S. N.
Burai, Babu Gokul Chand.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Mimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Ghosh, Rai Bahadur Shashanka Kumar.
Goenka, Rai Bahadur Badridas.
Guha, Babu Prefulla Kumar.
Gupta, Mr. J. N.
Habibullah, Nawab Khwaja.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammed, Haji.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prosad.
Raheem, Mr. A.
Rahman, Mr. A. P.
Rahman, Mr. A. F. M. Abdur.
Ray Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.

NOES.

Ali, Mr. Altaf.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Faruqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sueli Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. M.
Garner, Mr. C. W.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. S.
Leslie, Mr. M.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. C.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. G.
Rose, Mr. C. F.
Rutherfurth, Mr. F. V.

Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Stevens, Mr. H. S. E.
Steen, Lt.-Col. H. B.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 71 and the Noes 47 the motion was carried.

4-15 p.m.

The following motions were then put and lost:—

"That the demand of Rs. 13,87,000 under the head '15.—Irrigation' be reduced by Rs. 1,000 (to criticise the general policy and administration of the Department)."

"That the demand of Rs. 13,87,000 under the head '15.—Irrigation' be reduced by Re. 1 (to express dissatisfaction with the general policy of the Government and its indifferent attitude towards the Department)."

"That the demand of Rs. 32,46,000 under the heads '15.—Irrigation' and 'XIII.—Working Expenses' be reduced by Rs. 100 (to draw the attention of the Government to the condition of the rivers and river systems and the waterlogged areas of Eastern Bengal and how this affects agriculture, sanitation and communication)."

The motion that a sum of Rs. 53,39,000, as amended by the Council, be granted for expenditure under the heads "15.—Other Revenue expenditure financed from ordinary revenue," "XIII.—Irrigation—Working expenses," "15(1).—Other Revenue expenditure financed from Famine Relief Grant," "16.—Construction of Irrigation, Navigation, Embankment and Drainage works" and "55.—Construction of Irrigation, Navigation, Embankment and Drainage work not charged to Revenue" was then put and agreed to.

The time-limit under the head "XIII, 15, 15(1), 16 and 55.—Irrigation" having been expired the following motons were not put:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 13,87,000 under the head '15.—Irrigation' be reduced by Rs. 100 (to draw attention to the delay in coming to a decision as regards the Chandana Scheme in the district of Faridpur)."

Maulvi SYED MAJID BAKSH: "That the demand of Rs. 1,51,000 under the head '16.—Irrigation' be reduced by Rs. 100 (for not making provision for the Bhairab Drainage Scheme and supplementary Nabaganga Scheme)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 1,51,000 under the head '16.—Irrigation' be reduced by Rs. 100 (to draw the attention of the Government to the dying and dead rivers in Bengal especially in Hooghly and Howrah districts)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 1,51,000 under the head '16.—Construction of Irrigation, Navigation, Embankment and Drainage works' be reduced by Re. I."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 1,51,000 under the head '16.—Construction of Irrigation, Navigation, etc.' be reduced by Re. 1 (to discuss the policy of the Irrigation Department)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 1,20,000 under the head '55B.—Irrigation—Navigation, Embankment and Drainage works—Construction of locks and sluices in the Lower Kumar river' be refused."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 19,40,000 under the head '55.—Construction of Irrigation, Navigation, etc.' be reduced by Rs. 100 (to raise a discussion on the question of the Bakreswar canal, the projected Mourakshi river canal, and the administration of the department generally)."

Mr. B. C. CHATTERJEE: "That the demand of Rs. 19,40,000 under the head '55.—Irrigation' be reduced by Rs. 100 (to draw attention to the necessity for raising a loan of 5 crores, and to the appointment of a committee to explore the possibilities of doing the same)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 19,40,000 under the head '55.—Irrigation' be reduced by Rs. 100 (for the attitude for taking up a comprehensive scheme for the whole of Bengal, particularly of the district of Howrah in not maturing the Central Drainage Scheme of Howrah and for not granting loans to the Howrah Municipality)."

Kazi EMDADUL HOQUE: "That the demand of Rs. 19,40,000 under the head '55.—Irrigation' be reduced by Re. 1 (General policy of the Department)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 19,40,000 under the head '55.—Construction of Irrigation, Navigation, Embankment and Drainage works not charged to revenue' be reduced by Re. 1."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 19,40,000 under the head '55.—Construction of Irrigation, Navigation, etc.' be reduced by Re. 1 (to draw attention to the fact that the river navigation in the subdivision of Narail, district Jessore, is in a dying condition)."

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-32 p.m.]

20.—Interest on other obligations.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,000 be granted under the head "20.—Interest on other obligations."

This demand has been explained on page 48 of the Green Book and I have nothing further to add.

The motion was put and agreed to.

22.—General Administration.

The Hon'ble Mr. A. N. MOBERLY: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,03,84,000 be granted for expenditure under the head "22.—General Administration."

The following motions were called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 19,600 under the head '22A.—Staff and Household of the Governor—Private Secretary—Pay of clerks' be reduced by Rs. 100 (to criticise the policy followed in recruiting clerks)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 19,600 under the head "22A.—Staff and Household of the Governor—Private Secretary—Pay of Establishment' be reduced by Re. 1 (as a protest against the insufficient number of Moslem assistants in the Private Secretary's office and also for not appointing hitherto a Moslem as Superintendent in that office)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 15,500 under the head '22.—Staff and Household of the Governor—Military Secretary—Pay of Establishment' be reduced by Re. 1 (as a protest against the insufficient number of Moslem assistants in the Military Secretary to Governor's office)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 15,500 under the head '22A.—Staff and Household of the Governor—Military Secretary—Pay of clerks' be reduced by Re. 1 (to criticise the policy of recruiting clerks)."

Maulvi Syed JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 69,500 under the head "22A.—Staff and Household of the Governor—Band Establishment" be reduced by Rs. 50,000.

Sir, after careful consideration regarding the item of band establishment of His Excellency the Governor I am moving this motion. At the outset I must tell that I am not one of those who profess themselves to be ascetics, *sadhus* or sanyasis. I believe there is a necessity for amusement. I believe that the head of the administration of this province must have some amusement. Therefore I have proposed a cut of Rs. 50,000. I believe, however, that every individual has a right to amuse himself in an innocent and in a modest way. I also believe that a healthy man can have any amusement, but I do not at the same time believe that a hungry man or an unhealthy man can have any amusement. Even I may tell you that a healthy father cannot at least or should not at least participate in any amusement if his dear son is in death bed. Now, Sir, here what we find is this: there is a continued strife of illiteracy, of unhealthiness and ignorance going on. In the circumstances, I find that a sum of Rs. 69,500 have been alloted for that item. This sum of Rs. 69,500 is no joke; it is more than the salary of an Hon'ble Minister of this House. Therefore I have suggested in my motion that Rs. 50,000 be given away and the remaining sum of about Rs. 20,000 be set apart for the purpose. Sir, the condition of our province after the Meston Settlement has been deplorable. I would not call it a settlement; I want to call it butchery, and I say it is neither an award nor a settlement. But the condition of the province is such that no gentleman of this House will agree that such a big sum should be set apart for this particular purpose. In peace and prosperity, in health and happiness there cannot be any objection to this sort of modest and innocent amusement. But, Sir, when there is the blast of war—I do not mean the war of arms and ammunitions—I would not make any reference to Mahatma Gandhi's war of civil disobedience but I mean war of ignorance, I cannot even after careful consideration agree to this sum of money being alloted for the purpose. I understand that the amount is a voted one. Of course Government might have taken it, if they liked, as a non-voted item. Therefore when it is a voted item I would suggest particularly this year for a change of heart. Even the hon'ble members on the other side of the House should agree to this cut. I will also request the members on the other side of the House to consider that this amount is a very big one. I am not going to compare this Presidency Governor with other provincial Governors, the condition of Madras, Bombay, the Punjab and United Provinces with that of Bengal. Yet I must say that this amount particularly this year should not altogether be granted but only one-third should be set apart for this purpose and the remaining sum should not be alloted.

With these few words I beg to move my motion.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 69,500 under the head "22A.—Staff and Household of the Governor —Band Establishment" be reduced by Rs. 5,000.

Sir, in moving this motion, I beg to say a few words that in spite of the heavy amount of protest made by representatives of the people year after year, this demand is placed before this House again. There is no reason for increasing it this year and it is really not understandable. The actual of last year is rather lesser than what it has been estimated for this year. I have gone through the proceedings of previous years and I found that there were recommendations from the representatives of the people for total rejection of this grant, but that has not been acted upon. The Government is bent upon to carry on this luxury of the Governor at the expense of the poor people. Money is spent and spent without interruption. I do not know why this huge sum should be spent for this band establishment. This band establishment might well be maintained with much lesser sums if the bandsmen are recruited from amongst the depressed classes of Bengal, I mean the dhoolies, the rosanchaukiwallas, the sanidars who are good musicians of Bengal. When Rajas and Maharajas of Bengal are charmed with their music, I do not understand why the Governor of Bengal should not be charmed with the music of those sons of Bengal? I beg further to say that when His Imperial Majesty the King Emperor came, in his august presence in this soil of Bengal these sanidars and rosanchowkiwallas were presented to him in the pageant show, and as far as I remember he did not become horrified with their music, he did not feel giddy, but as far as I recollect, he appreciated the music of these Indian musicians. Sir, the Government in season and out of season tell us that they are the guardians here to look after the well being of the poor and depressed classes.

4-45 p.m.

If there is any sincerity in that, I do not understand why Government should not recruit bandsmen from amongst these dhoolies, moochies and domes, who, as I have already said, are the traditional bandsmen of this land. They have a genius for this kind of work, and if they are given a real training and are given the fullest opportunities, I can assure you, Sir, that they will make themselves as good bandsmen as those to whose music the Governor now listens.

Sir, the condition of Bengal is too well known. The greatest sons of Bengal have been put into jail———

Mr. PRESIDENT: You need not go into that question.

Dr. AMULYA RATAN GHOSE: All right, Sir. The hearts of the people are crying. The miseries and the woes of the people are writ large on their brows. The people of this province are famine-stricken. They suffer from the ravages of malaria, from the devastations of tuberculosis, and from the onslaught of many other fell diseases. When the wails of the mothers, fathers, wives, sons and daughters are constantly rending the hearts of the people of this unfortunate land, how can we sanction this huge amount for the luxury and amusement of the Governor? Certainly, the music will not be able to drown the cries and wails of hundreds, thousands, nay lakhs, of mothers, fathers and sisters of Bengal, whose dearest and nearest are being carried away every day from amongst them by malignant and pestilential diseases. The Government has not been able to put a stop to the epidemics and pestilences which are causing such a great havoc in this province. It seems as if these fell diseases have taken *maurashi patta* of the land from Government. It would also appear that the motto of Government is: "We should go on with our luxuries, no matter what happens to the people of Bengal; let them die or live, we don't care."

Sir, I have already said that these Indian musicians are not incapable men, and if they are given an opportunity, they will be able to give a good account of themselves. My motion is for reducing the demand for the band establishment by a paltry sum, viz., Rs. 5,000, out of a total estimate of Rs. 69,500. If Government feels for the people of this country, and if members of this House have the least concern for the well-being of their brothers and sisters outside, I have not the least doubt that they will all, without any exception, vote for my motion for reducing the total demand by Rs. 5,000.

Maulvi ASHRAFUDDIN CHAUDHURI: Sir, I beg to move that the demand of Rs. 69,500 under the head "22A.—Staff and Household of the Governor—Band Establishment" be reduced by Re. 1 (to discuss the policy of the Government).

Sir, my object in moving this motion is to record my voice of protest against the policy of Government in providing money for the amusement of His Excellency the Governor at a time when hundreds of our people are dying of starvation in the Brahmanberia subdivision and other places of Bengal. Sir, in moving a motion of this character I do not mean any disrespect to His Excellency but to bring it to the notice of Government that our country can ill afford to spend any money on a matter like this, when our nation-building departments like education, sanitation, etc., are starved. Sir, I shall not be long as two of my friends have already spoken on the subject, but I want to make an appeal to His Excellency the Governor to forgo the pleasure of a band

until such time as the financial condition of the province improves, so that it may not be said of us that when Rome was burning Nero was fiddling.

With these remarks, I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Mr. President, Sir———

Mr. PRESIDENT: On which motion are you speaking, Dr. Sen Gupta?

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am speaking on Maulvi Syed Jalaluddin Hashemy's motion.

To start with, I must say that I am struck with the modesty of the demand which has been made in this motion and I am afraid that the smallness of the cut which has been suggested by my friend Maulvi Syed Jalaluddin Hashemy will be received with the same sort of amusement by the Hon'ble Member-in-charge as the Hon'ble Member in charge of Irrigation felt yesterday on my waxing eloquent over a trifling sum. Sir, to those members on the Government benches who think slightly of the small amounts involved in these motions for cut, my only recommendation is that they should read, if they have not already done so, the well-known poem of Rabindra Nath Tagore named *Samanya Dhani*. These little sums which are thus squandered away in utter thoughtlessness make up a large amount, and if Government were thoughtful about the little sums they spend in this fashion they might be able to build up a fund which would be available for more fruitful purposes.

Sir, I think that this band establishment of the Governor is part of a paraphernalia which is founded upon the ancient legend that in this oriental country nothing strikes the imagination except magnificence and splendour, and if you want to strike the imagination your people you must keep your rulers surrounded with magnificence. Sir, I want to say once for all that this legend has no foundation in fact. The greatest stories treasured in the memories of our people of great rulers of the past are not those of magnificent monarchs, but of that great King, who had nothing for his furniture except a mat and who refused to allow himself any luxury which the meanest of his subjects did not enjoy. The great Vikramaditya made it a principle to live as the poorest of his subjects. That is a tradition which is treasured in the hearts of our people. I can cite the case of another King, Nasiruddin, whose wife burnt her fingers while cooking meals for her husband. Nasiruddin, even though requested by his wife, would not take any money from public funds for the employment of a cook: he copied manuscripts for earning a living for himself. Sir, these are the traditions which are treasured in our hearts. Yet we are told that we love

magnificence, as if we were so many children. Even to-day these memories are not altogether lost. Who is the man who commands the greatest respect, and who has got hundreds and thousands of men at his beck and call to-day? People would rush to carry out his bidding. That man is Mahatma Gandhi, an ascetic who has renounced everything, and who has not even a bit of splendour—not even the barest necessities—to surround him. That is the man who has struck the imagination of the people.

There was another man like Mahatma Gandhi. It is Swami Vivekananda, who, when he went to America, was an ascetic himself and lived in the house of a rich man. He was supplied with luxurious beds, but he spent the whole night on a door-mat. And why? When he was asked the reason, he replied that he could not lie on a bed so long as his own countrymen were dying of famine. That is the man whose memory would be cherished in India for ever and ever. That is the sort of man at whose command the people would do any thing and every thing. I do not expect any such thing of the Governor of Bengal, but I certainly do expect that we who are dealing with public finance should have some regard for decency. When we cannot provide our people with the barest necessaries of life, when we cannot find funds for ameliorating the condition of poor people, we might show this amount of decency by not wasting any money over sheer magnificence and mere amusement. The Governor might be asked to show this amount of decency.

The Hon'ble Mr. A. N. MOBERLY: Sir, the members who have taken part in this debate are all new to this Council. Old members will remember that this is a subject which has been discussed threadbare since 1921. It has to be remembered that Bengal is not India. There are other presidencies, and Bengal has to maintain its Governor in more or less the same state as Bombay and Madras maintain theirs. Otherwise, I think that many people would consider that it was a slight on Bengal. It seems to be suggested that the band is maintained purely for His Excellency's amusement. I deny that most emphatically. His Excellency has to perform various social functions for which a band is necessary. The question of finding a band in other ways has been debated on previous occasions, and it was suggested, I think, one year that a military band might be hired, but it was found that there would be no economy in that way.

5 p.m.

I might mention first that the question was threshed out years ago. The number of bandsmen was at one time 28, and the cost was considerably more than Rs. 70,000 a year.

It was decided after a good deal of discussion that the strength of the band should be reduced to a Director and 20 bandsmen, and the Council agreed to that. The cost was to be Rs. 70,000 and that standard has been rigidly adhered to. In fact, as one member pointed out just now, the work has been managed for a slightly smaller sum.

I now come to these particular motions. The first is for a reduction of the band establishment by half a lakh. This would leave Rs. 19,500 for the purpose of His Excellency's band. The mover prided himself on not having moved for the total refusal of this grant. But I do not think he need take any pride in the matter, because he might just as well have moved for the total refusal at once. Dr. Amulya Ratan Ghose moved a modest cut of Rs. 5,000, and I am bound to say that when I looked at the budget it struck me that there might be some justification for it, as the cost of the band last year was about Rs. 65,000. I made enquiries and found that the band was one man short. That vacancy has now been filled, and the Finance Department's revised estimate of Rs. 65,000 is a little bit optimistic. The estimate of Rs. 69,500 for 1930-31 is within the sum of Rs. 70,000 which was fixed by this Council some years ago.

I have not got very much to say about the cut of Re. 1. I was not quite clear what the mover meant by it, whether he meant that the band was maintained for the amusement of His Excellency, or what. I have explained that the band is necessary for the maintenance of the dignity of the Governor and through the Governor for the maintenance of the dignity of the province of Bengal.

I oppose all these motions.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and a division asked for.

(After the lobby was cleared and members assembled in the Council Chamber.)

Mr. PRESIDENT: Gentlemen, yesterday much time was wasted over unnecessary divisions, and although our rules do not provide any relief when the President feels that a division is unnecessary, I think the Parliamentary practice, in such cases, to put the question once again before ordering the House to divide, may be adopted here to save time. In the House of Commons, if the Speaker was not satisfied for the second time, that a division was necessary, he would call it off. Here, the rules do not permit the President to go so far, but he can, in my opinion, very well appeal to the member concerned to call off the division, with the leave of the House, if it is found that very few people are likely to follow him into the same lobby. I therefore propose to introduce this innovation into the procedure of this Council and I shall accordingly put this motion once again without ordering a division at this stage.

The motion was again put and the Hon'ble President thought that "Noes" would have it. The member who demanded the division did not challenge this opinion this time and was permitted to call off the division with the leave of the Council.

The motion of Dr. Amulya Ratan Ghose was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu Mr. Narendra Kumar.
Chaudhuri, Maulvi Ashrafuddin.
Chowdhury, Maulvi Abdul Ghani.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi. Emdadul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prosad.
Rahman, Maulvi Azizur.
Rout, Babu Hoseni.
Ray, Babu Haribansa.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ali, Mr. Altaf.
Bakeh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Bose, Mr. S. M.
Cassells, Mr. A.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Essoon, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sunil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hoque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. F.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Saziul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamisuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lal Muhammad, Haji.
Law, Mr. Surendra Nath.
Leslie, Mr. M.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mitter the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. C. F.
Roy, Babu Jitendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Rushforth, Mr. F. V.

Sarkar, Sir Jadunath.
Sarker, Rai Sahib Nabati Mohan.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. E.
Stevens, Mr. H. S. E.
Steen, Lt.-Col. H. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 22 and the Noes 85, the motion was lost.

Mr. PRESIDENT: Order, order. I have an announcement to make. I have it in command from His Excellency the Governor to announce that His Excellency will address the Council at 3 p.m. to-morrow. I would therefore suggest all members to be in their seats five minutes earlier.

The motion of Maulvi Ashrafuddin Chaudhuri was then put and lost.

5-15 p.m.

Maulvi SHAMSUDDIN AHMED: I beg to move that the demand of Rs. 3,75,000 under the head "22A.—Staff and Household of the Governor" be reduced by Rs. 1,50,000.

Mr. President, Sir, in moving this motion I want to place before this House the inadequacy of the grants made to the various departments. The Hon'ble Member for finance has placed before us a budget which allows only Rs. 50,000 for famine relief, Rs. 1 lakh for anti-malarial and kala-azar, Rs. 1 lakh for anti-malarial measures in rural areas and Rs. 1,20,000 for the distribution of quinine, making a total of Rs. 3,70,000. In a province where Rs. 3,70,000 can only be found for the department of public health and for famine relief I do not understand how a sum of Rs. 3,75,000 can be alloted for meeting the expenses of the Governor's household. In going through the details of the staff and household, I find there is a Private Secretary and his clerks and servants, there are travelling allowances, hill and Dacca allowances, house rent, cost of passages and various other things. I have already stated in a country where the poor are dying in thousands the Finance Member cannot find sufficient money for the famine-striken areas and yet he can find all this money for the Governor's household. Sir, in the district of Tippera, in the subdivision of Brahmanbaria, there was a terrible famine not long ago and we know that more than 10,000 people came to the town of Brahmanbaria surrounding the whole town and thereby demonstrating before the authorities how they were starving from famine. Even in that case Government did not think it its duty to provide adequate relief. Only a sum of Rs. 50,000 has been allotted for famine relief. I find in the budget that there is a surplus of Rs. 12,00,000 in that department. Even in that case Hon'ble the Finance Member could not find his way to grant an adequate sum for

famine relief. I understand that all this paraphernalia and pageantry and pomp is needed in this country for His Excellency the Governor. We are here as the representative of the people and we must remember that India is a poor country, that Bengal is a poor country. We know from statistics that the income of this poor country is very poor indeed, but in the budget we find that instead of solving this problem large sums are being granted to the household of the Governor and for this, other departments must certainly cut down their expenditure to a very large extent. Sir, our poor people have to pay a large amount for the tax on salt, yet money cannot be found for primary education. I do not want to cast any aspersions on the person of His Excellency the Governor. I do not want to say that the Governor does not require servants and secretaries. I know that under the present constitution, under the present system of Government, this sort of thing would go on. I realise that these things will continue to be maintained unless and until the whole system—the steel frame system—of the situation is absolutely reshuffled on a better footing. Sir, with these few words I beg to commend my motion to the acceptance of the House.

Babu JITENDRALAL BANNERJEE: Sir, in supporting the motion of my hon'ble friend there is one point which I should like to emphasise—one misapprehension which I should like to remove from the minds of the members of the House who are in their heart of hearts sympathetically disposed towards us. Sir, I might say that I do not in the slightest degree grudge His Excellency the Governor his salary and allowances. There is no personal feeling———

Mr. PRESIDENT: Order, order, no such matter is before the House. You are out of order in referring to that.

Babu JITENDRALAL BANNERJEE: Sir, I submit to your ruling. But my meaning was quite clear. When referring to His Excellency I was of course referring to the salary and allowances of his staff. There is practically no difference between———

Mr. PRESIDENT: There is a good deal of difference and I am glad that you are not going to refer to that again.

Babu JITENDRALAL BANNERJEE: My intention, as I have said, was quite clear from the very beginning. I do not wish to be disorderly. What I want to emphasise is the hideous inequality and want of proportion in allotting grants to the various branches of administration. Here is a sum of Rs. 3,75,000 for the staff of His Excellency and yet you cannot find more than Rs. 50,000 for the protection of the people of Brahmanbaria from famine. Sir, this sort of inequality cuts at the very heart of the people and it is this which

they cannot tolerate. Rupees 3,50,000 is being spent for the personal establishment of the Governor and yet you cannot spare money for more than 3,000 beds in the hospitals in the city of Calcutta where there are 1,30,000 people. It is this sort of iniquity which calls for these periodical resolutions on our part. I know that our friends in the Council feel very keenly on this point and on the last occasion they went into the opposite lobby against their better judgment and against what they felt in their heart of hearts to be right. I hope they will revise their decision on this occasion.

The Hon'ble Mr. A. N. MOBERLY: Mr. President, I think, Sir, that I met the argument which has been put forward in support of this motion when I spoke on the last occasion. Under the constitution, as it stands at present, Bengal has a Governor and the Governor has to have a staff. The cost of that staff is fairly constant—it is, as a matter of fact, less in the next year than it is in the current year. In the current year's budget it is Rs. 6,43,000 and in the next year it is Rs. 5,65,000 altogether, of which Rs. 3,75,000 is voted. The members who have spoken have not criticised the details of this demand beyond referring to the office of the Private Secretary. I think it is quite obvious that a Governor who comes newly from England must have a Private Secretary and the Private Secretary must have clerks and even if the Private Secretary and his establishment were abolished we could only save Rs. 60,000 instead of Rs. 1,50,000 as is proposed in the motion. I may mention also that even if the Private Secretary were eliminated from the staff and household of the Governor his pay would still have to be found under some other head because he is a member of the Indian Civil Service and the Indian Civil Service in Bengal is at present considerably understaffed. I do not think I need go very much further into the question. I cannot quite see how the question of hospitals in Calcutta is relevant to the question of the staff and household of the Governor. I may mention, however that in most countries hospitals are supported by voluntary contributions and not by the State. I hope the House will reject this motion.

The motion that the demand of Rs. 3,75,000 under the head "22A.—Staff and Household of the Governor" be reduced by Rs. 1,50,000 was then put and a division called.

(After the lobby was cleared and the members assembled in the Council Chamber.)

Mr. PRESIDENT: This is another case in which my opinion with regard to the fate of this motion has been unnecessarily challenged. To save time, which is so essential and from consideration of the probabilities of the case, I shall adopt another procedure for taking votes which

is also in accordance with Parliamentary practice. Those who are in favour of the motion will please rise in their places.

(Only a very few members rose for the motion.)

Now those who are against the motion will please rise in their places. A very large number rose.

I think the mover has now been able to realise that he unnecessarily challenged my opinion, which was based on the strength of answering cries of "Aye" and "No." He will, perhaps, now call off the division.

The division was accordingly, by leave of the House, called off and the motion was lost.

The following motions were called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 3,75,000 under the head '22A.—General Administration—Staff and Household of the Governor' be reduced by Rs. 100 (to raise a discussion on the high salary, emoluments, allowances, etc., of the Governor)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 600 under the head '22D.—Executive Council's Hill Allowance' be refused."

Mr. PRESIDENT: I will have one discussion on motions Nos. 129—133.

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 22,000 under the head '22D.—Executive Council' be refused."

Babu JITENDRALAL BANNERJEE: I beg to move that the demand of Rs. 22,000 under the head "22D.—Executive Council" be reduced by Rs. 100 (to discuss the attitude of members of the Executive Council in their various departments).

In moving this token cut I do not wish to refer to the constitutional issue at all. I do not wish to discuss the question as to whether the Members of the Executive Council are responsible or not, nor do I wish to raise the point that an irresponsible executive is an anomaly in any civilised system of government. I wish only to draw attention to the unwisdom, impolicy and utter extravagance of having four men to do the work of two, and of paying them princely salaries for bungling and mismanaging their business. That will be the point of my criticism.

In the first place, let me refer to the numerical superfluity of the Hon'ble Members of the Executive Council. In the Montagu-Chelmsford report it was contemplated that there should be only two Members of the Executive Council in a Governor's province, one European and the other Indian. But in the Government of India Act a maximum of

four was allowed, and—with the expansive generosity characteristic of Government measure, we have had at once this maximum in our province. Why? Not because of any regard for good government, but simply because two jobs—two well-paid jobs—had to be provided for the Civil Service; and having provided these jobs for the Civil Service it was felt necessary to balance the inequity by providing two jobs for Indians. And in providing these two jobs for Indians, most probably it was supposed that so far as the fourth man was concerned the more incompetent he was the better for the post. I shall try to prove to the satisfaction of the House that the Hon'ble Members are far from being overburdened with the duties which they have to perform.

Let me take up first of all the case of the fourth Member, the Hon'ble Alhadj—I hope I have got the expression aright—the Hon'ble Alhadj Sir Abdelkerim Ghuznavi. In point of fact he has only two departments under his charge, Forest and Irrigation; and the two combined, considering the array of technical ability by which he is generally buttressed up, the two combined could not take up more than a quarter of an *intelligent* man's time. But perhaps it was thought that the allotment of only two departments to an Hon'ble Member would not look well; therefore they proceeded to swell the number by creating a number of bogus departments. Among the departments thus allotted to the Hon'ble Member one is the department of Immigration, and thinking that Immigration was not enough thy proceeded to give him a variant of it, namely Emigation. Sir, mark the subtle difference between the two—Immigration and Emigration. But even that was not considered enough; so another important department was allotted to him—the mighty department of Haj pilgrimage; and last of all a department—the mystery of which I have not been able to fathom as yet—the department of Jurisdiction. We who are familiar with Bengali know what play was made of the word by Bankim Chandra Chatterjee in one of his discourses. We are told that it was objected against somebody—an Indian Magistrate, who claimed to try a European British subject—that he had not the necessary qualification, had not the *justication*—so it was put; and methinks this department of Jurisdiction is not far removed from the department of Justication about which the great novelist had spoken. So far about the Hon'ble Alhadj.

I shall now proceed to the other Indian Member, the Hon'ble Sir P. C. Mitter. He also has got an important department under his charge—the department of Land Revenue, once the safest department of all but not quite so safe in these days. But he too has a certain number of bogus departments under his charge. One of them is the department of Excluded Areas, but why excluded or from what I do not know. These excluded areas are excluded from the field of our understanding. Another is the department of Land Acquisition; and according to the

confidential confessions of the Hon'ble Member himself, so far as this department is concerned he performs clerical duties merely. Other departments tell him what land is to be acquired for them and the Hon'ble Member signs a sort of blank cheque. He does a clerk's duty, and for doing this gets Rs. 64,000 per year owing to the generosity of a generous Government—generous always at other people's expense. He has got another department in his charge, namely, the Department of Jails—a department in which I am personally interested. (Loud laughter.) Here again there is a curious distinction. The Hon'ble Member deals with jails generally; but when political prisoners are in question, he meekly hands over his duties to the Hon'ble Mr. A. N. Moberly. And for the time being, though I do not know under what rule or procedure or practice, the Hon'ble Mr. Moberly becomes the Member in charge of Jails, and as such, he will have the disposal of my fate for a period of six months or so. I speak, therefore, with a considerable amount of hesitation and personal reluctance on this matter. But there is something else. The Hon'ble Sir P. C. Mitter is also in charge of the Legislative Department; but here again, when the question comes of the number of days to be allotted for legislative business, Sir Provash knows nothing of it and we are referred once more to the ubiquitous Mr. Moberly. The Civil Service is triumphant everywhere; their hoof-mark is broad upon the land, their shadow darkens every department of the administration.

But the Hon'ble Indian Members are not the only object of this humble review of mine. Let me begin from the fountain-head—let me begin with the almighty member in charge of the Political and Appointment Departments. He is supposed to be the shining light of the Civil Service. Actually the whole burden of the administration falls upon him, but let us see how he discharges the duties of his office. He is in charge of General Administration and also of Judicial Administration, and during the last four years continuously he has been in charge of these two important departments. Now, Sir, it is well known to everybody in this House that we in Bengal are interested more than anything else in the separation of the Judicial from the Executive. Many a committee has sat to deliberate over this business. We had the Greaves Committee which submitted its report in 1921. We had also the Civil Justice Committee which submitted its report in 1924. But has the Hon'ble Mr. Moberly taken any step whatever to carry out the recommendations of these two Committees? Nothing whatever. The dust of the Secretariat shelves has been accumulating over these reports, and Mr. Moberly has merely contented himself during all these years with drawing his salary and multiplying opportunities for drawing allowances. That seems now to be the whole business of the Civil Service. But, Sir, there was a time when the Civil Service really governed the country, when they initiated measures of far-reaching importance

and laid down broad lines of policy. But even a critic most friendly disposed will have to confess that the Civil Service has greatly deteriorated in these days. It has lost its governmental instinct, and it now contents itself only with marking time and waiting upon opportunities. My position is that if the Civil Service consisted of a body of self-respecting gentlemen, they should govern the country and tighten the lax reins of administration; or if they could not do that they should abdicate their functions and go. They should abandon their cherished privileges here and not expose themselves to the charge of clinging to place and power simply for the loaves and fishes of office.

Let me now pass on to the case of the Hon'ble the Finance Member, Mr. Marr. Every year about this time Mr. Marr comes up before the House with his lugubrious tale of a vanishing credit-balance and inelastic sources of revenue. But beyond lamenting that fact, what has he done to remedy the evil? Why can he not take courage in both hands, and why does he content himself like us—irresponsible critics—with merely throwing the blame on the Meston Settlement? I think, Sir, I deserve some credit for not calling the Meston Settlement an iniquitous one. Why does he follow the stale practice of condemning the Meston Settlement alone? Sir, there are various sources of expanding revenue at the Hon'ble Member's disposal if only he had the eye to look for them. Only last year one of his colleagues made a free gift of about five crores of rupees to the zamindars of Bengal in the shape of salami. If the Finance Member had been a strong man—as strong as his inches would make him out to be—he should have urged for a moiety of this share, so that he need not have been under the necessity of criticising the Meston Settlement time and again. Two and a half crores would have been sufficient for floating a scheme of free and primary education, and another two crores and a half would have been sufficient at least to begin with—for the Public Health Department. But it is not simply a case of this man or that: the charge I bring against all the Members of the Executive Council is that they are an expensive luxury, a superfluous ornament, a lot of men without wit or invention, without ideas, imagination, or vision; and the sooner Bengal gets rid of this superfluous luxury the better it is for us—better also for their good name and for the prestige which they have all along enjoyed.

The following motion was called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 22,000 under the head '22D.—Executive Council' be reduced by Rs. 100 (to raise a discussion on the constitutional issue)."

The Hon'ble Mr. A. N. MOBERLY: I am sure we are all very much obliged to Babu Jitendralal Bannerjee for his extremely entertaining speech. I do not know whether my colleagues are going to reply to the remarks he made about them. He only made one remark which really

concerns me, that is about the separation of Judicial and Executive. He knows as well as I do that that matter has been hung up by the Government of India and the Secretary of State ever since the time I became a Member.

The number of the Members of the Executive Council is fixed by the Secretary of State and it is not a matter with which this Government have anything to do.

5-45 p.m.

I need only add that this Rs. 22,000 has, of course, nothing whatever to do with the Members of the Executive Council. It is money which goes to clerks and chaprasis. I hope the mover will not attempt to cut this sum from the demand.

Mr. PRESIDENT: I think I made a mistake in not calling upon Mr. A. K. Fazl-ul Huq to move his motion.

Mr. A. K. FAZL-UL HUQ: I do not move it, and I do not want to speak.

The following motion was not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 22,000 under the head '22D.—Executive Council' be reduced by Re. 1 (to draw attention to the unnecessary cost to the Administration in having four Executive Councillors)."

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I join with my Hon'ble colleague Mr. Moberly in saying that we are all grateful to Babu Jitendralal Bannerjee for entertaining the House. Babu Jitendralal Bannerjee's fondness for a good speech is well known and he can never resist the temptation of making a use of apt phrases. I think if his nearest and dearest relations were present here and he spoke he could not possibly resist the temptation of using well-turned phrases for irresponsibly criticising him. But who ever expects responsibility from him. He will speak and criticise with vengeance. Sir, we the unfortunate Members of the Executive Council are here because of the Government of India Act. That Government of India Act was the result of years of agitation and movement on the part of the Indians, and my friend, Babu Jitendralal Bannerjee, took no mean part in that agitation and movement. Now, Sir, it is all very well to say that we are here doing no work, but I do not want to enter into an undignified controversy with Mr. Bannerjee or to to tell him whether we work or do not work, but I would remind Mr. Bannerjee and other members of this House of one thing, in order to demolish that oft repeated criticism, namely, how is it that while in the old days not only Bengal, but Bengal and Bihar and

Orissa, could be ruled by one Lieutenant-Governor, a portion of the two provinces, constituting the present province of Bengal, requires four Members of the Executive Council and two or three Ministers. My answer is—my friends around us. Was the Lieutenant-Governor in the old days ever asked to explain the little things that we are called upon to explain now? Things which in the old days were disposed of perhaps by head assistants now receive personal attention of the Member or Minister. Well, Sir, if you want to run a representative form of Government, you must pay for it. England no doubt is a rich country, but its population is slightly below that of our province, and if anyone goes through the list of English ministry, he will find not seven but perhaps eight times seven Ministers. I realise that ours is a poor country, but if you compare the total amount of salary paid to the Ministers there with the total amount paid to the Members and Ministers here, I make bold to say that you will find that the amount paid here is perhaps about one-tenth of what is paid there.

Sir, approaching the general aspects of the question, I say that it is not the fault of the Sovereign or his Minister under whom we hold office that we are here. If anything, it is because we, Indians, wanted this form of Government. It may be that persons like Babu Jitendralal Bannerjee and others did not realise the consequence of their actions when they made their demands. It may be that the experience of the past will be repeated in the future and demands now so gliby made from the press and the platform if acceded to will be similarly criticised and that persons who were loudest in their shouts for a reformed government will cry halt when the question of paying the bill will be before them. That is, however, a different proposition. We are here by virtue of a statutory provision. We are subject to criticism by every member of the House—not only by every member of this House, but by everyone in the press and platform. Criticise us by all means. We do not claim that we are perfect human beings; we are ready to admit that we have many faults, we have many defects; but I do claim this for myself and each one of my colleagues that subject to human limitations we try to serve in the best possible manner our Sovereign and our country (Applause).

The motion of Babu Jitendralal Bannerjee was then put and lost.

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 133, 134, 145, 150 and 151.

Maulvi HASSAN ALI: Sir, I beg to move that the demand of Rs. 1,92,000 under the head "22E.—Ministers" be refused.

Sir, the subject of "Ministers and Ministry" can no longer be called a new thing in the country. It was discussed threadbare in this House and outside this House. I therefore would have proposed to be extremely brief but for the Budget speech of the Hon'ble Kumar Shib Shekhareswar Ray, our Minister for Local Self-Government, on the 28th February last.

I will at the outset say only this much that on that day we could not, I believe, fail to see how a popular representative might be transformed into a stranger by a simple magic-touch of bureaucratic wand.

Our rudimentary knowledge even of politics were questioned, because we hold that the ministerial gadi in Bengal has been thrust upon the poor and unwilling shoulders of Bengal.

The Hon'ble Minister wants us to support the Ministry because he holds, and in a dictatorial voice asks us to hold, that the Council consisting of 100 elected Indian members out of a total of 140, must be a powerful body provided the powers are exercised properly and that powers can only be exercised through an executive which is removable by responsible members of the House. He denies the people of Bengal any right even to dream of independence or demand dominion status or ask for further reforms even, if they cannot send 100 such members to the Council from whom only 3 cannot be chosen to sit in the Government and hold their own against the best intellect on the reserved side.

I am afraid, Sir, the theory propounded most certainly gives the lie to the reformed constitutional laws of India. It bespeaks also of a sheer careless study of practical politics of Bengal as she is to-day.

Sir, I want to refuse the Ministers' salary *in toto*. If any reason is called for I shall submit that section 52 of the Government of India Act of 1919 is sufficient reason for refusal of Ministers' salary. Under that section, Ministers are appointed by His Excellency the Governor and they hold office at his pleasure. The appointment is made by the Governor and they can continue in office so long as His Excellency pleases. But it is for the Council to grant their salary which is fixed by the constitution itself. Is this not a most ridiculous and anomalous position? I ask. And does this mean that the Ministers can be chosen and are chosen by the people or their representatives in the Council?

The proposition that Ministers in Bengal are popularly chosen persons is no more true than the proposition that in Bengal the sun rises in the west and sets in the east.

Thus, we find, Sir, that the so-called reforms are a camouflage—and the so-called popular Ministers are popular in name only—they may better be called unpopularly popular. This has been borne out from the history of practical politics under the reformed constitution in Bengal during the last 10 years. Ministers have been appointed quite independent of the question as to whether or not they enjoy the confidence of the House or people, and for whom the Council is asked to grant the salary. Irony of fate indeed! We have found Ministers that have been appointed from among gentlemen who have got little or no following in the House and much less in the country at large.

The Hon'ble Minister for Local Self-Government invited us the other day, to choose our best men for the post and to help them and to co-operate with them for carrying on the people's banner high on the Government side. "The Ridiculous" cannot go further, Sir, when we see that the act of choosing the Ministers lies elsewhere than in Bengal's own soil.

Let us, however, take for granted for a moment only that we can choose our Ministers, but can we choose our best men?

Our best men have refused to be available for the post inasmuch as the position is humiliating to our sense of nationalism and is a great insult to our motherland. And who are appointed Ministers? Persons who are subservient to His Excellency and who are————

Mr. PRESIDENT: Order, order. You cannot make those remarks.

Maulvi HASSAN ALI: And, Sir, I am sorry to say that His Excellency chooses the wrong men without considering————

Mr. PRESIDENT: Order, order. You cannot criticise His Excellency.

Maulvi HASSAN ALI: Thus we find that even those who stooped to work diarchy for what it was worth have grown sick of the Ministry. Therefore we find that diarchy in Bengal is an utterly hopeless failure. It is admitted on all hands that diarchy has failed, as it was bound to fail. It is no longer a controversial point now whether diarchy is good or bad —whether the Ministers, circumstanced as they are—can do or cannot do any good to the country. The experience of the last decade, I believe, has set the matter at rest. The system is now at its fag-end. It is admitted by everybody, official and non-official, and by all shades of opinion, moderates and non-moderates, that the reformed constitution has hopelessly failed. Sir, no amount of logic and sermon now can persuade us to believe that diarchy is workable.

6 p.m.

We have got the opinion of those gentlemen, Members of the Executive Council, ex-Ministers and of the late Governor of Bengal that the system could not possibly work efficiently. Allow me, Sir, to quote the opinion of our late Governor His Excellency Lord Lytton. On the 26th of March, 1927, His Excellency told in the Legislative Council "the existence of an executive which cannot be removed by the legislature, and of a legislature which cannot be removed by the executive, and without harmony between the legislature and the executive efficient government is impossible. To ensure harmony an elected legislature requires

an executive responsible to it and an irremovable executive requires a nominated legislature. A system which secures the supremacy of the executive not by the support of the legislature, but by the exercise of an overriding authority, is not, I think, proving the best preparation for full responsible government." Now, Sir, no body can, I believe, fail to see the political wisdom of these remarks.

Now let me quote the Hon'ble Sir Provash Chunder Mitter, the ex-Minister, now one of the best intellects on the reserved side. In course of his evidence he gave before the Muddiman Committee, after running the diarchy for three years, he said: "Diarchy is unworkable and the difficulties will grow more and more."

I do not know whether I shall be held guilty of numerous quotations, if I quote another hon'ble member's opinion on diarchy. I refer to Khan Bahadur Maulvi Azizul Haque. In his speech on the motion of Ministers' salary in the year before last, he said: "Personally when I study the political situation and the main political facts of the last few years I am tempted to feel that though I shall not be a party to it, yet I shall welcome the day when diarchy will go."

I again quote, Sir, from the Governmental report on the working of the reformed constitution in Bengal, 1921-27, presented to the Indian Statutory Commission. I refer the House to page 207 of that document, where the report says: "There is also the fact that the Montagu-Chelmsford constitution shortly known as diarchy is unpopular—the dislike is real and deep rooted."

Now, will not the Hon'ble Ministers bear with me if I charge the Government with deliberately flouting the public opinion by appointing Ministers again who have got no support from the people? And as to the powers and responsibility of the Ministers, can our Ministers hold their own against the best intellects on the reserved side—what powers they have been given by the constitution to do so? You cannot have a Government half and half—half responsible to the Parliament and half responsible nominally to the legislature but really to the Governor and His Excellency's Executive Councillors. Has he got any basis of strength upon which he can safely stand? The talk of responsibility is sheer sham. The Minister has got no control over the purse of the people—he has got to be content with the leavings of the reserved side. He has got no control over the policy. Should we then, Sir, co-operate with the Ministers? We have not had up till now within these 10 years, of a single instance where our so-called popular Ministers have voted with the people. Only the other day the Hon'ble Minister for Local Self-Government has not been able to vote for the proposal of putting into effect the Bhairab excavation scheme of Mr. Majid Baksh, and the Garden Reach separation Bill of Mr. Shamsuddin was opposed by him on the same very day, and the only consolation he gave us with angry

looks was that he would resign if we would not want him as a Minister. Why should we then support the motion of Ministers' salary of such a huge sum?

This is another side of the question, Sir. Each Minister consuming a fat sum of Rs. 64,000 per year in exchange of little or no good is simply revolting.

I do not know, Sir, if there is any other country in the civilised world where such a heavy sum is expended on a Minister in comparison with the income of its people. The average income of our people is less than two annas per head per day and the average income of the people in England is nearly Rs. 2 per head per day. The Prime Minister of England gets a salary of Rs. 5,400 per month, i.e., to say almost equal to our each Minister's salary which is less by a few coins. With any pretension to serve the motherland, I for one cannot support such an iniquitous sum and ruinous expenditure for nothing.

Will the Hon'ble Ministers, as circumstanced they are, be able to serve Bengal as she is to-day, in the same manner as that famous labourite of Great Britain is serving England? Will they be able to drive away drink evil from the land? Will they be able to repeal salt tax? Will they be able to introduce compulsory primary education in the country in near future? I think, they cannot. You may think with whatever fruitless optimism you like, but I cannot be a party to the spinning of ropes out of ashes. It will therefore be a criminality on my part if I do not refuse to vote for such an extravagant expenditure for a department of Government which is called "people's own" by sheer irony of fate, but which is maintained surely for keeping up the Governmental prestige only.

Being a representative of a set of people whose economic conditions are too pitiable to be told in words and whose miseries can only be told in tears, I think it my bounden duty to refuse to vote for such a cruel onslaught on public purse.

Mr. PRESIDENT: I said that we would have one discussion on motions Nos. 133—145, 150 and 151. I think I have to modify my decision to a certain extent. I find that motions Nos. 150 and 151 are for token cuts. We had better take them separately. I might suggest to the Khan Sahib who has given notice of motion No. 151 that it is not necessary for him to move that motion, but he can speak on motion No. 150. In the meantime we will have one discussion on motions Nos. 133—145, and after disposal of these motions, I shall take up motion No. 150. I think it will have the approval of the House.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Am I to understand that it will give the go by to motion No. 139?

Mr. PRESIDENT: No, you will be asked to move it at the right moment.

The following motions were called but not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 1,92,000 under the head '22E.—Ministers' be reduced by Rs. 1,20,000."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 1,92,000 under the head "22E—Ministers' be reduced by Rs. 96,000."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 1,92,000 under the head '22E.—Ministers—Pay of Ministers' be reduced by Rs. 84,000 by reducing the salary of each Minister from Rs. 64,000 to Rs. 36,000."

Babu SATYENDRA NATH ROY: "That the demand of Rs. 1,92,000 under the head "22E.—Ministers' be reduced by Rs. 66,000 (to discuss the question of reduction of the Ministers' salaries on the ground of economy)."

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 1,92,000 under the head "22E.—Ministers—Pay of Ministers" be reduced by Rs. 64,000.

Sir, let me assure the House at the very outset that I am moving this as a purely economical measure. I am not moving this motion with the intention of passing any vote of censure upon the present Ministers or upon the constitution of the ministry. Mine is a purely economical motion, as I have said, and there is nothing communal or personal behind it. I need only remind the House that since the Montagu-Chelmsford reforms were given effect to, the cost of administration of this province has gone up by leaps and bounds. From a statement submitted by the late Under-Secretary of State Earl Winterton in Parliament we find that in Bengal's share a total of Rs. 5,84,460 was the extra expenditure due to these reforms. You have just heard from the Executive Councillors that having been appointed by the Crown they are irremovable and that their salaries are drawn by virtue of the Government of India Act. The Hon'ble Sir Provash Chunder Mitter said that their combined salaries or rather the aggregate of their salaries is about one-tenth of what I could not follow, but I find from the budget that the total expenditure on general administration is about one-tenth of the total expenditure of this province. Therefore, it is high time I say that this expenditure should be reduced, if we can reduce it. The salaries and the emoluments of the Executive Councillors cannot be reduced by this House, but those of the Ministers can be reduced, and in the name of economy I say that the salaries of the

Ministers ought to be reduced. In asking you to reduce the expenditure of Rs. 1,92,000 by Rs. 64,000 I do not want to ask you to reduce the number of Ministers from three to two or even to one. If you think that in the name of efficiency you ought to have three Ministers, let there be three, but let their total emolument be reduced by Rs. 64,000. If for the sake of safety and stability of the ministry, as we have been told, more than two Ministers are needed, why should you pay them Rs. 64,000 a year each? Pay them each Rs. 21,000 and odd less a year, costing Rs. 1,28,000, but for heaven's sake please do not pay the Ministers the same salary as you pay to the Executive Councillors in the name of efficiency. If you think that the prestige of the Ministers would suffer if their salaries were reduced, I would ask the House to listen to a quotation from the speech delivered in this Council by the Hon'ble Kumar Shib Shekhareswar Ray on the 23rd March, 1925.

6-15 p.m.

Sir, at that time there were only two Ministers drawing Rs. 1,28,000 —the sum I am now willing to concede to the present Ministers. In moving his motion to reduce that sum, the Hon'ble Minister as he now is, the Hon'ble Kumar Shib Shekhareswar Ray said: I need not add to his arguments by any words of mine—that "In moving my motion I have three distinct objects in view." I will, however, read out the first issue leaving out the rest. He said "The first one is to put an effective check on the extravagant waste in our administration, for I think, Sir, that the maximum limit of a Minister's salary in Bengal can be fixed at Rs. 3,000 a month. I know, Sir, that many eminent men of our country at one time did press for a salary equal to that paid to an Executive Councillor. That was because they thought that if a lower salary was fixed by statute, it might also mean a lowering of status. But when that fixing of a Minister's salary has been left to us, the popular representatives, and not imposed upon us by some higher authority, it is our duty so to fix it as to make it consistent with the conditions prevailing in the country as also with the dignity and respectability of an honest gentleman eager not to amass but to serve his country; and we think that for a patriotic Indian, however efficient and respectable he might be, a sum of Rs. 3,000 a month is quite sufficient for the purpose."

I will ask the House to remember these words when passing the salary of the Hon'ble Kumar Shib Shekhareswar Ray and not make him an unpatriotic and dishonest Indian.

As an additional argument I might mention that the prestige of an Indian, or for the matter of that of a European Member of the Executive Council or of a Minister does not depend on his salary. It

depends upon red-coated chaprassis. If the Hon'ble Minister or Member has to go out as a private person, his red-coated chaprassi may call attention to the fact that he is a Minister or a Member and his prestige will not suffer. If the Minister or the Member has his red-coated chaprassi with a dagger round his girdle the people would know that there is a Minister or a Member going. It is not really the pay that matters. What happens in England? The principal Secretaries of State draw a salary of £5,000 a year. The pay is not higher than what His Majesty's Judges draw. Here the Judges draw Rs. 4,000 a month and the popular Ministers draw Rs. 5,333-5-4 a month. Is it because that they are Ministers and are on the same level with the Executive Council Members of the heaven born service for whom this country is governed as otherwise it might be said that their prestige would suffer? The salaries of two Ministers may be distributed among more Ministers if the House so desires and His Excellency might so appoint. If for the sake of stability it is so needed, I would not object to the appointment of 64 Ministers at Rs. 2,000 a year each with his desk and stool on the verandah of the Writers' Buildings. In that case I am quite sure that the fact that they are popular Ministers would be ample guarantee for the prestige and their salary will in no way affect their credit or their prestige. In other provinces also I understand that the salaries of the Ministers is much less than the salaries enjoyed by the Ministers of Bengal and at least in one Province—I mean Bihar—one popular Minister is content with drawing Rs. 1,000 a month devoting the rest to charity. He has created a trust fund to which the balance of his salary goes. I am sure that if any of our present Ministers were to do something like that—the same thing that was promised by the first batch of Ministers years ago but never fulfilled so far as the public are aware—then their prestige will not only not suffer but will be very much enhanced.

Mr. PRESIDENT: Mr. Basu, will you be very long. I will have to adjourn the House for prayer?

Mr. NARENDRA KUMAR BASU: In another 5 minutes, Sir. Lastly I beg to appeal to the Hon'ble Ministers that they should voluntarily agree to reduce their salary and that would very much enhance their reputation and prestige in the eyes of the public of Bengal. One is sometimes reminded of the fact in this connection which has transpired since the Montagu-Chelmsford reforms that though the reforms were not devised for the purpose, they have resulted in the increase of posts and emoluments of the I. C. S. I will not use the language of the *Amrita Bazar Patrika* which said that it was "Lee-Loot" which finished the work which the Montagu-Chelmsford reforms began, but I do say that if the Ministers were pleased to accept a lower salary, it might

go a long way to controvert this attitude of those members of the ruling race who were responsible for these reforms and might make them say in parody of the words of Rudyard Kipling:

> "These lesser breeds without the might
> "Who put their trust in law and right
> "Oh, bring them, Lord, to see our light
> "And see they run not at the sight."

[At 6-20 p.m. the Council was adjourned for prayer and it reassembled at 6-30 p.m.]

The following motions were called but not moved:—

Babu SATISH CHANDRA RAY CHOWDHURY: "That the demand of Rs. 1,92,000 under the head '22E.—Ministers (Transferred)' be reduced by Rs. 50,000."

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 1,92,000 under the head '22E.—Ministers—Pay of Ministers' be reduced by Rs. 24,000."

Mr. PRESIDENT: I will now go over to motion No. 150.

(Maulvi Abdul Karim having risen to move No. 150).

Mr. PRESIDENT: I had better put these motions first.

The motion of Maulvi Hassan Ali was then put and lost.

The motion of Mr. Narendra Kumar Basu was then put and a division called for.

(After the Lobby was cleared and the members assembled in the Council Chamber).

Mr. PRESIDENT: For the third time in the course of the day my opinion about the fate of a motion, as indicated by voices, has been unnecessarily challenged. Those who are in favour of this motion will please rise in their places.

(Only a very few members having risen in their places).

Mr. PRESIDENT: I hope the division will now be called off.

Mr. NARENDRA KUMAR BASU: I insist on a division, Sir.

Mr. PRESIDENT: Under the rules I am of course bound to allow you a division. But I will make another appeal to you to call it off.

Mr. NARENDRA KUMAR BASU: I want to have the names of my supporters and the names of the opposers to this motion recorded in the official proceedings. That is why I insist on a division.

Mr. PRESIDENT: That should never be the object for calling a division. A division should be called only when one is really convinced that he should challenge the opinion of the President about the fate of a motion. I am sorry that your request for a division did not emanate from a worthier motive.

Dr. NARESH CHANDRA SEN GUPTA: Sir, is the motive of the member who calls for a division at all relevant?

Mr. PRESIDENT: Order, order.

A VOICE: He is a new member. Please forgive him.

Mr. PRESIDENT: Now we must lose some precious minutes over an useless division, as I have to allow it under the rules.

A division was then taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Banerji, Mr. P.
Basu Mr. Narendra Kumar.
Chaudhuri, Maulvi Ashrafuddin.
Ghose, Dr. Amulya Ratan.
Hashemy, Maulvi Syed Jalaluddin.
Mookerjee, Mr. Syamaprasad.
Rout, Babu Hoseni.
Roy Choudhuri, Babu Hem Chandra.
Sarcar, Dr. Sir Hiiratan.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ali, Mr. Altaf.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Mimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Gash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Fazlullah, Maulvi Muhammad.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lal Muhammad, Haji.
Law, Mr. Surendra Nath.
Leslie, Mr. M.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. G.

Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhar-eswar.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. G. F.
Roy, Babu Haribansa.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Shanti Shekhareswar.
Rushforth, Mr. F. V.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 13 and the Noes 87 the motion was lost.

6-45 p.m.

Maulvi ABDUL KARIM: I beg to move that the demand of Rs. 2,16,000 under the head "22E.—Ministers" be reduced by Rs. 5 (to raise a discussion on the Ministry).

The object of the motion, as already indicated, is to raise a discussion regarding the Ministry, not to criticise its personnel. It is to be regretted that owing to certain untoward circumstances which are too well-known to need detailed mention, the principle usually followed in the selection of Ministers could not be always acted upon in this province. I believe it has been laid down in the Report of the Joint Parliamentary Committee that Ministers should be chosen from among persons who hold a prominent position in the political sphere in a province, are in touch with all-India politics and have an adequate following in the Council. This, I need hardly say, is the principle that is followed in the selection of Cabinet Ministers in all countries where similar constitutions are in operation. The hon'ble members, I think are well aware that the selection of Ministers in Bengal was guided by the same principle in the early stage of working of the Reform scheme of administration. Persons who had made their mark in politics and had proved their worth in the Legislature, were appointed Ministers. If this principle could be adhered to, the stability of Ministries in this province might have been ensured and diarchy might have worked as smoothly in Bengal as it has worked in Madras and some of the other provinces. It would be perhaps superfluous to say that on account of the persistent opposition of a large group of members, whose one object was to wreck the constitution, the principle referred to, could not be always followed, and sometimes persons without any political status and without any following had to be appointed as Ministers. It is no wonder that they could not withstand long the onslaught of the wreckers. Fortunately the circumstances have entirely changed of late; the Swarajists are gone and I take it that all the

Hon'ble Members of this House are co-operators. I have reason to think that it is their desire to work the constitution for what it is worth. I hope and trust His Excellency the Governor will be pleased to take note of the changed circumstances and will take such action for the reconstitution of the Ministry as His Excellency may deem necessary in order to meet the wishes of the different groups of members in the Council.

Mr. E. C. ORMOND: On a point of order, Sir. There is a rule of this House by which votes of no-confidence in Ministers are governed.

Mr. PRESIDENT: What rule is that, please?

Mr. E. C. ORMOND: Sections 84A and 84B. I would ask the hon'ble mover to say if this motion is to be taken as a motion of no-confidence.

Maulvi ABDUL KARIM: No, no.

Mr. PRESIDENT: The mover says that the motion is not to be taken as a censure motion, but I think it depends very much on the thickness of the skin of the Ministers. (Laughter).

Mr. E. C. ORMOND: I apologise to you, Sir, and to the House for having wasted the time of the House as I could not hear the beginning of the remarks of the mover, and I understood him as suggesting no confidence in the Ministers.

Mr. ABDUR RAHEEM: Mr. President, Sir, I beg to associate myself with what has been said by my friend Maulvi Abdul Karim, and I fully agree with the object with which he has moved the resolution.

Sir, it is a great pity that this matter has come up again for discussion. During the past seven years the question of disturbing the ministries had come before the Bengal Legislative Council on several occasions. But what is the cause of it? The only reason that could be attributed for this most undesirable movement is that the selection of Ministers are not made according to the satisfaction and desire of the members of the Council, and as a result thereof the ministries were so often broken. The only point which requires serious consideration of His Excellency the Governor, in selecting the Ministers, is whether those who are going to be appointed, are generally acceptable to the members of the Council and whether they have got sufficient number of followers behind them.

After my election to this Council, the first duty which I took upon myself was to try and bring about a unity among the Muhammadan

members of this Council. I am proud to say that I succeeded in my efforts in uniting a large number of Muslim M. L. Cs. who wholeheartedly formed this Bengal Praja Party. The day when this party was formed, 22 members joined and in one of the early meetings they fixed up their policy that this party would support the constitution and will maintain the ministry if proper selection of Ministers is made. We sent a copy of our resolution to His Excellency. If the existence of our party was recognised and our request, which we made in the covering letter with which we sent the resolution, was granted, our idea was to hold a sort of bye-election amongst ourselves with a view to satisfy ourselves about the popularity and strength of each candidate by knowing the actual number of followers who vote for them, and then send a panel of names of four or five persons who secure the largest number of votes to His Excellency for making his selection. Any two who have been so appointed would have received the united support of the Praja Party. This would have been the safest course to form a stable ministry.

It is matter of great regret that the Praja Party, which was then the second largest party in the Council, was totally ignored and the present situation is the result of that.

Sir, I have sufficient reason to believe that it has been suggested to His Excellency the Governor, by some of us present here, that Praja Party is broken and there is no unity among the members. I can emphatically deny this statement and say that it is nothing but a selfish and misleading exaggeration. Sir, as Deputy Leader of the Praja Party I am in a position to say that the party is as solid and strong as it was on the day it was formed. It is possible that either the whole situation may have been so coloured as to suit particular conveniences or that there may be some who may be soft enough to be played as pawns in the chess-board of interested persons, but that has nothing to do with the party and the party, so long it stands cannot be false to itself even if any individual proves himself to be.

So far as the present Ministers are concerned, I may say that my party has no grudge against them, and the motion which has been just moved by Maulvi Abdul Karim is in no way against the personality of any of the present Ministers. All the Ministers are my friends and I have personal regards for every one of them. If for any reason my party breaks, I will be the first man to vote in favour of the present ministry, especially for the reason that whatever grievance we have it is against the decision of the Government for ignoring the Praja Party which was, still is and in future, I hope, will remain, a solid, strong and united party of the Muhammadan members of the Council.

7 p.m.

Babu JATINDRA NATH BASU: Mr. President, Sir, this motion involves a most important constitutional principle. The present ministry was appointed at a time when a great part of the elected members of this Council who came through the general constituencies belonged to a party whose object was not to work the constitution and not to try to work the administration through the legislature. Therefore, the administration through this legislature had to be carried on with the help of official members, nominated members, and members that had come into this Council through special constituencies. The Ministers were appointed under those circumstances. But now the state of things has changed. The Council has now assumed a new rôle, and the ministry should be constituted according to the changed circumstances. Ordinarily, the principle is, as I understand the Government of India Act, that the ministry should be representative of the majority of elected members that come through the general constituencies. In the present case, as I have already stated, the circumstances were such that the Ministers were not men who came from those groups, because at the time of their appointment, the majority group was a group that came in for obstruction. Now that there is a change in the circumstances hitherto prevailing, it is time that the constitution of the ministry should be examined, so that the Ministers may be men who can be said to be representative of the majority of the elected members coming through the general constituencies. It is on that ground, and not on the ground of personality of the present Ministers, that I support this motion.

Mr. B. C. CHATTERJEE: Mr. President, Sir, I associate myself with the observations which have just fallen from Mr. Basu. I agree with him that the constitutional principle under which Ministers have their tenure of office in this House is that they represent the views of the majority of the elected members. Of course, Sir, we know that in abnormal times abnormal measures had had to be resorted to and Ministers had to be appointed on the strength of the votes of what we call the official "bloc" and the votes of certain other gentlemen. But those times have passed. We have all come here with a good will, with the will to work the Reforms, and, therefore, our self-respect requires that those who are to be our representatives as Ministers should be able to command the majority of our votes. I want to make it perfectly clear that this question does not involve any personal issue. Two of the gentlemen who are Ministers at the present moment, viz., Messrs. Nazimuddin and Faroqui are my personal friends and I am proud of their friendship. But, Sir, though they are my friends—even if they were my brothers—the question of principle would still remain, transcending all personal considerations, and the one principle

on which we the elected members of this House can tolerate a ministry is that the Ministers do command our confidence. I do not know, Sir, whether the three gentlemen, who are at present Ministers, do or do not command the confidence of the majority of the elected members. It is our misfortune that we have not been able to get any intimation of an intention on the part of the trinity—I mean the Ministry—to submit themselves to the operation of the principle referred to. If the Ministers were agreeable to submit themselves to any such test, it would of course decide once for all whether they do or do not command the confidence of the majority of us, elected members. But, Sir, as far as I have been able to gauge the feeling of this House, I can say without hesitation that we will not tolerate any ministry which is in the uncertain position of the present one.

Incidentally, two matters have also developed in the course of the discussions that we have had during these days. One is that it would be satisfactory to the majority of us here if the number of Hindu and Muhammadan Ministers were equal. The other is that we think that men who accept ministry should consider themselves the recipients of a high privilege and consider it a great honour, inasmuch as it entitles them to call themselves the highest servants of the country. They should look upon their office as giving them the greatest of all opportunities that a man can have, viz., the opportunity of serving one's own country, and they should not look upon it as a source of profit. Therefore, Sir, in order to induce men to accept this high office for the sake of the honour and the privilege it confers and the opportunity it brings to render service to their motherland, and not for the money that it dangles before them, we want our Ministers to set an example by accepting a much lower salary than the salary which is at present enjoyed by these gentlemen. These are the two things, these are the two incidental features, which have developed in course of the discussion during these few days. I may remind the House of one thing. Members will find in the Report of the Joint Parliamentary Committee the expression of this very hope, that in normal times when the legislatures were filled with men who were going to work the Reforms, the Ministers themselves would accept a lesser amount of salary than Members of the Executive Council. It was also suggested in this Report that Indian members of the Council of the Secretary of State for India should be paid a higher scale of remuneration than those who are domiciled in the United Kingdom. The same principle, they thought, might be followed in this case also, viz., that it was reasonable for Ministers domiciled in India to be paid on a lower scale of remuneration than the European Members of the Executive Council. I would appeal, Sir, to the patriotism of whoever becomes the Minister of Bengal to say to himself—to realise for himself—that really he does not require the same high salary as a British

exile in this country, because he is free from the necessity of keeping up two homes, which the Britisher in the peculiar circumstances of his case, has to maintain—one here and one in Great Britain. But, apart from that consideraton, I say that the man who aspires to be a Minister of Bengal should realise that his sole object was to serve Bengal and not money-making. If he wanted to make money, he should go to Clive Street, Burrabazar, or Hatkhola. (The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Or the High Court.) But when he comes here, he should be in readiness to serve his motherland and not clamour for a salary of Rs. 5,000 and odd a month. As a fact, Sir, one feels one has seen things in this House recently which are a little disappointing. For example, we have seen a Minister sitting close to many members on the other side of the House and having tête-à-têtes with them. I do not know whether he was talking politics to them or something else. It was not a pretty sight. But my point is that we would be able to make the Ministry more stable and more honourable if we could make it less expensive. Therefore, Sir, I say that this House should have for its Ministers only such men as will say: "I shall serve Bengal; and I shall do so for much less than the Hon'ble Mr. Moberly or Sir Abdelkerim gets."

Mr. A. K. FAZL-UL HUQ: Sir, I deem it my duty, after listening to the speeches, to say a few words, as the leader of a party in order to make our position perfectly clear. In the first place I have got the authority of my party to declare that this motion is not intended to cast any reflection on the gentlemen who now hold office as Ministers. The point was raised by one of the members opposite as to whether this is to be taken as a motion of no-confidence or not. I wish to point out to the member that under the rules a token cut from salary or from a demand by one of the Ministers may raise false issues. In this particular case, the mover of the motion has indicated that the only issue that he wishes to raise is one of discussion on the constitution of the ministry. That makes it perfectly plain that the discussion has been kept clear of the issue whether this House has any confidence in the Ministers or not. If and when the occasion arises, and we deem it our duty to show our want of confidence in the Ministers, we shall do so by a direct motion to that effect or by a token cut. But that is not our object at the present moment. The present ministry, as has been pointed out, was constituted at a time when the various groups now existing in this House did not exist, and only our party and one other party existed at the time when the ministry was formed. Unfortunately, Sir, in the formation of the ministry, the Praja Party was entirely ignored. I may say, Sir, that had that not been the case, most probably the Praja Party would not have taken part in expressing any opinion that there is a desire on the part of some

members to have a reconstitution of the ministry. Situated as we are—the fact that our party has been deliberately flouted—we take advantage of the feeling now obtaining in the House to bring to the notice of His Excellency that the Praja Party join with the various groups in this House in their desire that the question of the reconstitution of the ministry be seriously considered.

Then, Sir, I would also point out in this connection that our party is generally of opinion that the number of Ministers may be increased, with slightly lower rate of pay to the Ministers, so as to keep the total salary within the budget estimate. If Ministers are found to come forward to serve the country on a lower rate of salary, they will not only not lose in dignity, but will be setting an example to their successors, doing honour to themselves and rendering service to their motherland, which will be beneficial to the administration and beneficial to the country.

There is just another point. I will not say anything as to what proportion of the Ministers should be Hindus and what proportion Muhammadans. That we leave to the consideration of His Excellency, but the feeling is that if there are two Ministers or four ministers, there might be an equal representation of the two communities. That point has been touched by Mr. Chatterjee and I do not wish to touch it again. I do not want to detain the Council any longer. I would only associate myself with the desire expressed by the previous speakers that the question of reconstitution of the ministry should be considered by His Excellency, and I hope the remarks made by the various speakers in this Council to-day would be duly communicated to His Excellency.

Babu JITENDRALAL BANNERJEE: Sir, during the last four years I have often moved, and always taken part in, motions for the total refusal of Ministers' salaries with the object of making a ministry an impossibility. Therefore, Sir, I feel it my duty to make it perfectly clear, even at the risk of being misunderstood by large sections of people whose opinion I greatly value, that that is not my intention to-day. I do not wish that ministry as such should be wrecked or should disappear. I only want that ministry should be reconstituted with reference to the accepted constitutional principle that Ministers should represent the majority groups of the House. This might be expressed in another way by saying that Ministers should be assured of an adequate and independent following of their own in the House, so that they might not have to rely upon the support of officials and the European block merely. That is the sound constitutional principle, which I hope will be duly taken cognizance of in any future attempt at reconstructing ministry. Up till now, we have had no expression of opinion from the Government side: but if any member of the Government, having authority to do so, can assure us that the

wishes of the House in this respect will be communicated to His Excellency for such action as he may deem fit to take, then I should ask my honourable friend Maulvi Abdul Karim to withdraw his motion and not press it to a vote.

CHIEF SECRETARY to GOVERNMENT (Mr. W. D. R. Prentice): Sir, I understand that the main desire of the gentlemen who have spoken on this motion is that the various points that they have raised should be communicated to the proper authority. On behalf of Government, I am authorised to give them the assurance that a copy of the speeches made during this debate will be conveyed to His Excellency the Governor (Cheers) so that His Excellency can take such action as he may consider necessary in the circumstances. In view of this undertaking, I would ask the mover of the motion whether he would not accept the suggestion of Babu Jitendralal Bannerjee and withdraw his motion.

Maulvi ABDUL KARIM: Sir, as I stated in my speech, my object was to raise————

Mr. PRESIDENT: Are you withdrawing the motion? In that case you cannot make a speech.

Maulvi ABDUL KARIM: Yes, Sir, but I want to make a short statement.

As I was saying, my object was to raise a discussion in order to have a clear indication of the views of the different groups of members in the Council. I think we have got that indication. I am exceedingly glad that the Chief Secretary to the Government has kindly undertaken to communicate to His Excellency the views expressed in this House regarding the reconstitution of the ministry. It is indeed a happy sign of the times that the leaders of different groups of members have acquiesced in an arrangement by which there will be no communal preponderance in the ministry. I need hardly say that this augurs well for peaceful transaction of business in the Council in future. I, therefore, beg leave of the House to withdraw my motion.

As the question was put whether leave should be granted to the member to withdraw his motion, there were cries of "Yes" and "No."

Mr. PRESIDENT: As there have been some dissentient voices, I have no other alternative than to put the question to vote.

Mr. W. L. TRAVERS: On a point of order, Sir. Is not the question before the House now whether permission should be granted to the mover to withdraw the motion?

Mr. PRESIDENT: Yes. If the House had given its decision without a dissentient voice, I would have allowed Maulvi Abdul Karim to withdraw his motion straightaway. That being not the case, the only alternative left for me is to put the question whether leave should be granted to the mover to withdraw his motion.

The motion that leave be given to Maulvi Abdul Karim to withdraw his motion was then put and agreed to.

The motion was then withdrawn.

The following motion was called but not moved:—

Khan Sahib Maulvi MUAZZAM ALI KHAN: "That the demand of Rs. 2,16,000 under the head '22E.—Ministers' be reduced by Re. 1 (to raise a discussion about the stability of Ministers)."

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 21st March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council Assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 21st March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 118 nominated and elected members.

Mr. PRESIDENT: I am commanded by His Excellency the Governor to read out to you a letter which I have received from him :—

"GOVERNMENT HOUSE,

CALCUTTA :

21st March, 1930.

DEAR MR. PRESIDENT,

I much regret to have to inform you, that owing to having just received a communication from the Government of India directly bearing upon the statement which I have to make to the Council, and which involves my waiting for a further communication from the Government of India, it will not be possible for me to keep my engagement to address the Council at 3 p.m. to-day. If, as I hope, the communication referred to arrives during the afternoon, I should be grateful if you could arrange for me to address the Council tomorrow at 10-30 a.m.

Yours sincerely,

(Sd.) F. STANLEY JACKSON.

The Hon'ble Raja M. N. RAY CHAUDHURI of Santosh."

Mr. PRESIDENT: I hope, gentlemen, that you will take your seats 5 minutes before the appointed time.

Starred Questions

(to which oral answers were given).

Offices of the Inspector-General and Deputy Inspectors-General of Police.

*86. **Babu HOSENI ROUT:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that there is a feeling of discontent due to the separation of the Inspector-General and Deputy Inspectors-General's office cadres; and

(*ii*) that most of the clerks have preferred to remain in the office of the Deputy Inspector-General to that of the Inspector-General?

(*b*) Is the Hon'ble Member aware—

(*i*) that the office of the Inspector-General of Police at the time of the separation got nearly all the higher grade appointments, except the post of the head assistant;

(*ii*) that important duties such as promotion, transfer, proceedings and the like are being dealt with in the offices of the Deputy Inspectors-General by a lower grade clerk; and

(*iii*) that the Inspector-General of Police's office subsequently had to surrender or absorb about eight appointments?

(*c*) Will the Hon'ble Member be pleased to state the contemplated arrangement for leave and permanent vacancy in the post of the head assistant in the office of the Deputy Inspector-General of Police?

(*d*) Are the Government considering the desirability of granting one higher grade assistant to each Deputy Inspector-General's office?

(*e*) Are the Government considering the desirability of entering minutely into the matter and inquiring into the reason for the refusal to Deputy Inspectors-General's office clerks to get a transfer to the Inspector-General of Police's office and affording them an opportunity of giving vent to their feelings in the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) Government in 1927, received a representation regarding the pay and prospects of clerks in the Range Deputy Inspector-General's offices. The combined cadre for the offices of the Inspector-General and Range Deputy Inspectors-General was separated in 1922, for reasons of administrative convenience. In 1921, the clerks of the offices of Deputy Inspectors-General submitted memorials protesting against the proposals of the Ministerial Officers Salaries

Committee splitting the combined cadre, and these were duly considered by Government before passing orders. With the separation of the cadre, time-scale of pay was introduced in several offices on the recommendation of the Salaries Committee and the initial pay of clerks in each of the offices was fixed on certain general principles laid down by Government. Some of the clerks whose initial pay in the time-scale was affected on this account submitted representations and each case was dealt with on its merits.

(*ii*) Before the separation of the cadre the wishes of each of the clerks concerned as to the particular office in which he elected to serve were ascertained and every attempt was made to meet them. As a result, no fewer than 22 clerks expressed a preference for the Inspector-General's office and were transferred from the offices of Deputy Inspectors-General to the Inspector-General's office.

(*b*) (*i*) Yes. In revising the pay of the clerks the Ministerial Officers Salaries Committee made the following remarks:—

"The establishments of these offices are at present borne on joint cadres which, in view of the administrative inconvenience caused by such an arrangement, we have been asked to make separate. This we have attempted to do bearing in mind the justifiable contention that the office of the Inspector-General is entitled to the best clerks and therefore should be better paid."

(*ii*) Yes, under the direct control of the head assistant.

(*iii*) In consequence of the separation of the cadre, it was necessary to readjust the number of appointments between the upper and lower divisions in the Inspector-General's office with the result that five upper division appointments had to be transferred to the lower division.

(*c*) When a head assistant goes on leave the second assistant usually acts for him. Permanent vacancies are filled by the best clerks in the Range offices.

(*d*) No. The Inspector-General submitted a proposal for a second upper division appointment for each Range office, but Government did not accept it.

(*e*) No. With the separation of the cadre, the clerks of the Deputy Inspectors-General's offices have no longer any claim for transfer to the Inspector-General's office. The rules for the recruitment of clerks in the upper division of the Inspector-General's office sanctioned by Government, however, provide *inter alia* for the appointment of clerks of proved merit (graduate, if possible) from subordinate offices, which include Deputy Inspectors-General's offices. As stated in reply to question (*a*) (*ii*), a considerable number of clerks elected to be transferred to the Inspector-General's office from the Deputy Inspectors-General's offices.

River Jamuna.

*87. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the river Jamuna in the district of the 24-Parganas is about to be silted up?

(*b*) Was any scheme prepared for excavating the said river some years back?

(*c*) Are the Government considering the desirability of excavating the said river for the betterment of the sanitary condition of the inhabitants of the adjacent villages?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Yes.

(*b*) Yes; the scheme known as the Bagerkhal scheme was prepared.

(*c*) The scheme was dropped in 1925 because after investigation, both by the Irrigation Department and the Public Health Department, it was found that it would confer little benefit, if any, on the basin concerned.

Want of a bund in the Serampore khal and a lock-gate in the Ghojadanga khal.

*88. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that crop fails every year for the last twenty years in the Datbhanga bil in the Satkhira police-station in the district of Khulna; and

(*ii*) that the failure is due to the want of a *bund* in the Serampore khal and a lock-gate in the Ghojadanga khal?

(*b*) Are the Government considering the desirability of erecting a *bund* on the Serampore khal and a lock-gate in the Ghojadanga khal?

(*c*) If not, what other steps, if any, are the Government contemplating taking in the matter?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) In years of heavy rainfall it is understood that the crops in the Datbhanga bil fail.

(*ii*) The failure is not necessarily due to the want of a *bund* on the Serampore khal, or a lock-gate in the Ghojadanga khal, but may be due to overflow from other directions.

(*b*) The whole question of dealing with this basin is under consideration.

(*c*) It is proposed to introduce silt-laden water from the north to flush the whole basin and in addition to construct works for draining when there is a surplus; it is possible that a sluice gate on the Ghojadanga khal and a *bund* on the Serampore khal will form part and parcel of these works.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to let us know whether he will consider the desirability of finishing the scheme one by one as soon as possible.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The scheme is under consideration and I have nothing more to add to my answer.

Introduction of a Bill to amend the Bengal Municipal Act.

***89. Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is in the contemplation of the Government to amend the Bengal Municipal Act, 1884 (Bengal Act III of 1884), by introducing the Bill prepared by the late Sir Surendra Nath Banerjea?

(*b*) If so, when?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to introduce any other Bill for the purpose?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*), (*b*) and (*c*) This Bill was rejected at the first reading on the 4th December, 1925, and Government accepted the decision of the Legislature. I am not at present in a position to say when, or in what form, the Bill is likely to be introduced again.

Road Board.

***90. Mr. W. H. THOMPSON:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether a Provincial Road Board has been formed for Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are its constitution and functions?

(*c*) What recommendations, if any, have been made by the said Road Board?

(*d*) What action, if any, has the Government taken on the said recommendations?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) and (*b*) A copy of an order dated the 15th January, 1929, constituting a Road Board to advise Government on the programme for expenditure from a grant from the Central Road Fund to be submitted to the Government of India is placed on the table. (Statement A.)

(*c*) A copy of the programme recommended by the Road Board is laid on the table. (Statement B.)

(*d*) A communication has been made to the Government of India after consideration of the views of the Road Board.

Statement A referred to in the reply to clauses (a) and (b) of starred question No. 90.

No. 168 L.S.-G., dated Calcutta, the 15th January, 1929.

The Government of Bengal (Ministry of Local Self-Government) are pleased to constitute a Road Board consisting of the following members to advise Government on the programme for expenditure from a grant from the Central Road Fund to be submitted to the Government of India:—

(1) The Hon'ble Minister in charge of the Local Self-Government Department, President.

(2) Secretary to the Government of Bengal, Finance Department.

(3) Secretary to the Government of Bengal, Public Works Department.

(4) Secretary to the Government of Bengal, Local Self-Government Department.

(5) Chief Engineer, Public Works Department.

(6) Rai Keshab Chandra Banerjee Bahadur, Chairman, Dacca District Board.

(7) Raja Moni Lal Singha Roy, C.I.E., Chairman, Burdwan District Board.

(8) Maulvi Jalaluddin Ahmed, Chairman, Chittagong District Board.

(9) Maulvi Syed Nausher Ali, M.L.C., Chairman, Jessore District Board.

(10) Mr. W. L. Travers, C.I.E., O.B.E., M.L.C.

(11) Mr. Santosh Kumar Basu.

2. The Board as constituted will hold office for one year.*

Statement B referred to in the reply to clause (c) of starred question No. 90.

Programme of Road Work for a period of five years recommended by Provincial Road Board.

	Name of road.	Length of road.	Cost of improvement.
		Miles.	Rs.
1.	Calcutta-Jessore Road to Baraset ...	12-14	5,00,000
2.	Diamond Harbour Road ...	25	6,70,000
3.	Grand Trunk Road (excluding overbridge at Serampore) ...	...	10,00,000
4.	Chittagong-Arracan Road bridging (whole length) ...	...	5,00,000
5.	Illambazar-Dubrajpur Road (including Adjoi Bridge) ...	16	3,50,000
6.	Mymensingh-Tangail Road ...	10	3,75,000
7.	Dacca-Narayanganj Road ...	9	4,50,000
8.	Mainamati-Barkanta Road ...	9	2,50,000
9.	Pabna-Ishurdy Road ...	17	5,00,000
10.	Duars Road (replacing bridges) ...	...	2,50,000
11.	Burdwan-Arambagh Road ...	25	5,00,000
12.	Magura-Jhenidah-Chuadanga Road	18	3,00,000
	Total ...		56,45,000

*N. B.—Mr. F. M. Leslie, Royal Automobile Association, has been added to the Board since its first meeting.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether the Government has forwarded the recommendations of this Board with its recommendations to the Government of India?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The answer is in the affirmative.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether having formed this Board on the basis of having delegates from district boards, he is satisfied that this Board is likely to take a wide provincial view in this provincial matter or whether he is not so satisfied?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: This is a matter of opinion.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether he received a letter from one of the members of the Board who was unable to attend and who raised this very point which I have just raised regarding the importance of taking a provincial view in this matter and in doling out the available money among several district boards?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The answer is in the affirmative.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether that letter was read at the meeting?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The answer is in the affirmative.

Mr. E. C. ORMOND: Will the Hon'ble Minister be pleased to state whether in view of the present condition of the Barrackpore-Naihati-Ghoshpara Road, Government is prepared to consider the necessity of immediate further expenditure on that road?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. This supplementary question does not arise out of the present question.

Mr. PRESIDENT: I think the Hon'ble Minister is right.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether any policy has been laid down for determining the preferences to be given to schemes?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Acceptance and rejection of schemes depend on the majority view of the Board.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, that does not answer my question My question was whether the Government has laid down any policy for determining the preferences to be given to schemes.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Any policy, if laid down, would be laid down by the Board itself.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether he is prepared to give information as to what that policy is?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: These are subject matters of communication between this Government and the Government of India, and no information can be given now. We have not yet received any reply from the Government of India, so I cannot place any information at the disposal of the hon'ble member.

Mr. PRESIDENT: I do not quite follow the Hon'ble Minister. The question was whether he could give any information regarding the policy that he is pursuing.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I am not prepared at the present moment to make any further statement in the matters.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether before the formation of this Board, any reference was made to the Select Committee of this House which deals with these matter.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It was not possible to consult the Select Committee in this matter.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether he has ever consulted the Select Committee of this House in any matter.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Most of the members of the Select Committee had to go out by the "walking out" of the Swarajists. We had only one meeting and I think Mr. Travers was the only member present there.

Mr. E. C. ORMOND: Will the Hon'ble Minister be pleased to state whether in view of the large volume of traffic carried by the Barrackpore-Naihati-Ghoshpara Road, Government will consider putting that road on the programme of road work for the period of five years recommended by the Provincial Road Board and to recommend that the course be adopted by the Road Board.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The matter will be brought to the notice of the Road Board and if they want to adopt it, it will be done.

Mr. E. C. ORMOND: Sir, is it permitted to me to ask when the next meeting of the Board will take place?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: After we have received the reply from the Government of India.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether he is prepared to lay before the House a list of all the prepared schemes by the Provincial Road Board?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It is a big list. I shall be glad to show it to the hon'ble member if he comes to my office.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether it is a fact that the chairmen of district boards present at the Road Board meeting cast lots for the money to be allowed to them?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The proceedings of the Road Board are confidential and cannot be placed before the Council.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether he is prepared to circulate the list to the members of the Council.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The list will be placed at the disposal of the hon'ble member, and if, after reading it he thinks that it ought to be circulated to the members it will be done.

Khan Bahadur Maulvi AZIZUL HAQUE: Does the Hon'ble Minister realise that the Hon'ble Minister's statement as regards Government not having laid down any policy is contradictory to his present statement?

Mr. PRESIDENT: Order, order. That is no question.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state upon what principle the distribution of the major programme is made?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: That depends on the majority view of the Road Board.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state whether any money was given to any district board whose chairman was not present at the meeting?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: No money has been given to any district board as yet. I can tell the hon'ble member that we have not got a single *cowrie* yet from the Government of India.

Unstarred Questions

(answers to which were laid on the table.)

Water-logged area between the Diamond Harbour road and the Hooghly river to the north of Falta road up to Bishnupur, 24-Parganas.

88. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that in the southern section of the 24-Parganas district the area between the Diamond Harbour road and the Hooghly river to the north of Falta road up to Bishnupur is a water-logged area?

(*b*) Is it a fact that upon a reference made by Mr. J. N. Paul, the Assistant Secretary of Subdebpur Progressive Association, and at the instance of the Collector, 24-Parganas, Mr. F. H. M. Furrock, the late Subdivisional Officer, Diamond Harbour, held a local inquiry in the year 1927?

(*c*) Is it a fact that Mr. Furrock recommended certain measures to improve the conditions of the aforesaid area, so far as agriculture, health and water transport are concerned?

(*d*) Is it a fact that in order to carry out some of the measures suggested by Mr. Furrock, the people of the locality deposited on demand by the Collector, 24-Parganas, a sum of Rs. 248 in the Alipore Treasury as the cost of preliminary survey and preparation of a scheme under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920), for the re-excavation of the Katakhali khal?

(*e*) Is it also a fact that the people interested in the scheme for a new canal from Gangarampur along the old Katakhali khal up to the Hooghly river at Magmudpore have informed the Collector, 24-Parganas, and the Subdivisional Officer, Diamond Harbour, that they are not able to deposit a lump sum to finance the scheme but are quite willing to contribute their share of the cost of the work by payment of an annual cess as provided by the Bengal Agricultural and Sanitary Improvement Act, 1920?

(*f*) Will the Hon'ble Member be pleased to state—

(*i*) what action, if any, has since been taken by the Irrigation Department to deepen the bed of Srichanda khal from Usti to Gangarampur *via* Shirakol and to remove the alleged inverts of the culverts or bridges therein;

(*ii*) whether the preliminary survey for the re-excavation of Katakhali khal has since been initiated;

(*iii*) what action, if any, is being taken by the Government to finance the scheme; and

(*iv*) when the work of the project is likely to commence?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) and (*c*) Government have no information.

(*d*) A sum of Rs. 248 has been deposited in the treasury as the cost of preliminary survey and preparation of the scheme.

(*e*) Government have no information.

(*f*) (*i*) Silt clearance of the Srichanda khal from Rajarhat to Srichanda is in progress at the present time. It is for the local people to approach the district board for the removal of the inverts of the culverts or bridges on the district board road.

(*ii*) No. A detailed project was prepared years ago and all that is now necessary is to revise the rates.

(*iii*) and (*iv*) The scheme is one which should be taken up under the Bengal Agricultural and Sanitary Improvement Act, 1920, or the Embankment Act of 1882, and it is for the parties interested to move the Collector.

Refusal of retainers' licence to the guard of the Bogra Central Bank.

89. Maulvi ASHRAFUDDIN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the circumstances under which the District Magistrate of Bogra refused retainers' licence to the guard of the Bogra Central Bank?

(*b*) Has not the District Magistrate extended similar privileges to the Joint Stock Loan Bank?

(*c*) Does the Government approve of this attitude of the District Magistrate?

(*d*) If not, what action does the Government propose to take in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) A licence for a double-barrell breach-loading gun was granted to the Bogra Central Bank in the name of the Assistant Secretary. The retainer first proposed was rejected because he was a native of Nepal whose antecedents were not known. Subsequently licence for a retainer who is a Darjeeling man has been allowed.

(*b*) An arms licence has been granted to the Bogra Loan Office, Ltd., in the name of the Cash Secretary. No licence for retainer has been granted to this company.

(*c*) Yes.

(*d*) Does not arise.

DEMANDS FOR GRANTS.

(The discussion on the head "22.—General Administration" was then resumed.)

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 15,000 under the head '22E.—Ministers—Travelling Allowance' be refused."

Dr. AMULYA RATAN GHOSE and Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 400 under the head '22E.—Ministers—Hill Allowances' be refused."

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 6,000 under the head '22E.—Ministers—Miscellaneous' be refused."

Kazi EMDADUL HOQUE: "That the demand of Rs. 1,600 under the head '22F.—Legislative Council—Hill Allowances' be reduced by Re. 1 [to criticise the policy regarding hill exodus of officers (gazetted and ministerial) of the Legislative Department and absence of any principle in that connection]."

Maulvi SHAMSUDDIN AHMED: I beg to move that the demand of Rs. 1,97,500 under the head "22F.—Legislative Council" be reduced by Rs. 101 (to raise a discussion on the failure to take necessary steps for the separation of the office of the Legislative Department from that of the Legislative Council).

Sir, it is not a new motion that I have brought before this Council. This motion of the separation of the Legislative Council from the Legislative Department, making it a separate department, was brought before this House in 1929, by Srijut Nagendra Nath Sen and as will be seen from the proceedings, an assurance was given by the Hon'ble Member in charge of the Legislative Department, the Hon'ble Sir P. C. Mitter and on that assurance Mr. Sen withdrew his motion. I understand that the Hon'ble Member gave an assurance that the Committee would go into the whole case considering the existing condition in the Legislative Assembly and in some other provincial Councils. I believe the Legislative Council has got a separate department in the United Provinces, and Madras has also got a separate Council Department. I do not understand why the Hon'ble Member has not been able to give effect to his promise that he made before this House. Sir, a motion was moved on the 12th February, 1929, and on the assurance given by the Hon'ble Member it was withdrawn. I do not know what steps have been taken by the Hon'ble Member to give effect to his promise. I do not want to take the time of this Council, but I hope that this time the Hon'ble Member in charge will be able to tell us what he has done since February, 1929, up to the 20th March, 1930, and not give us merely an assurance that a committee will certainly be formed asking us to withdraw our motion. I hope the Hon'ble Member will go into the whole matter and place all facts before the House.

As regards the importance of the motion I do not want to say very much. If we want to have an honest and independent body as the Legislative Council is supposed to be certainly the Legislative Council ought to have a department of its own which would be independent of the Secretariat. The President ought to have his own staff and his own office which will be under his guidance and control. Everybody knows what happened in the Legislative Assembly only a few weeks ago and what view the President the Hon'ble Mr. V. J. Patel took with regard to the maintenance of discipline within the precincts of Assembly House. Sir, I hope the Government of Bengal will not lag behind the procedure that has been set by other provinces. With these few words

I place this motion for the acceptance of the House, and I hope the House will consider very seriously the question of the separation of the Legislative Council from the Legislative Department.

The hon'ble members of this House must realise the position that is before the country to-day and it is high time, especially as the note has been sounded by the Secretary of State from his place in Parliament that Dominion Status is forthcoming and also that Dominion Status is already in action in this country, that in this Council at least we shall experience what we do not find, something in the shape of some privilege.

Mr. PRESIDENT: Kazi Emdadul Hoque need not move his motion. He may speak in support of this motion as both the motions are identical.

Kazi EMDADUL HOQUE: Sir, I will not move my motion, but I will speak in support of the motion which has already been moved.

The following motion was therefore, not moved:—

Kazi EMDADUL HOQUE: "That the demand of Rs. 1,97,500 under the head '22F.—Legislative Council' be reduced by Rs. 100 (in order to raise a discussion on the combination of functions of Secretary, Legislative Council, with the Secretary to the Government)."

Kazi EMDADUL HOQUE: Mr. President, Sir, this question was brought before this Council, as has been pointed out by my hon'ble friend Maulvi Shamsuddin Ahmed, by Srijut Nagendra Nath Sen in February, 1929, in the shape of a resolution. In reply Government said that a special committee would be constituted to consider the whole question. I do not know whether a special committee has been constituted since then and whether the question has at all been considered. If the committee has been appointed, then I would like to know whether any consideration has been given to the deliberation of the committee by Government. If sufficient consideration has not been given yet I hope the Government will do its best to give consideration to this question now. The question is a very important one as has been pointed out by the previous speaker and in view of our repeated prayer to this House, I hope the Government will not lose any time to give effect to them. I also hope that Government should not only give the matter every consideration, but it should do so at once. There should be no delay. Government said last year that they would give the matter a very serious consideration, but up till now we have no indication that the matter has been considered at all. If the matter is to be considered Government should try to collect all the figures and all information relating to the question. With these few words I beg to support the motion of my hon'ble friend.

Mr. PRESIDENT: Having regard to the fact that motion No. 153 has been moved, I think Mr. S. M. Bose need not move his motion but may speak in support of this motion as the motions are identical.

The following motion was therefore not moved:—

Mr. S. M. BOSE: "That the demand of Rs. 1,97,500 under the head '22F.—Legislative Council' be reduced by Rs. 10 (to discuss the establishment of a separate Legislative Council Department under the exclusive control of the Hon'ble the President, Bengal Legislative Council)."

3-30 p.m.

Mr. S. M. BOSE: Mr. President, Sir, this question was discussed in a resolution brought forward in this House on the 12th February, 1929, by Srijut Nagendra Nath Sen. The Hon'ble Sir Provash Chunder Mitter in his reply suggested the appointment of a representative committee of the House to go into the matter thoroughly and on his assurance that this would be done, the mover withdrew his resolution. Over a year has elapsed since the Hon'ble Member's assurance, but so far as we are aware, nothing whatever has been done. From what I know of the Hon'ble Member, I feel sure that his object was not to shelve this inconvenient subject, but the result has been this. As the House is aware, the subject of the advantages of separation was thoroughly discussed in the Legislative Assembly in 1928. I beg to refer the members to the proceedings of the Legislative Assembly on the 22nd September, 1928, at page 1249 et. seq., of volumes III and IV, 1928, of the Legislative Assembly Debates, to the illuminating speech of the Hon'ble President Patel at pages 219-23, of the same volume, and his note submitted to the Government of India at page 919.

Briefly, the proposals accepted by the Government as a result of a conference of party leaders were—

(1) a separate Legislative Assembly Department was to be constituted; and

(2) the scheme submitted by the President and amended by the Government of India was to be modified so as to provide that:—

(i) the Legislative Assembly Department should be included in the portfolio of the Governor-General;

(ii) the principal officers of the department were to be appointed by the Governor-General in consultation with the President;

(*iii*) these principal officers were to be liable to be dismissed by the Governor-General in consultation with the President;

(*iv*) other disciplinary action against these officers should be in the hands of the President, subject to a right of appeal to the Governor-General;

(*v*) the other members of the establishment should be appointed by the President in consultation with the Secretary;

(*vi*) these other members of the establishment were to be liable to dismissal or other punishment by the President in consultation with the Secretary, subject to a right of appeal to the Governor-General; and

(*vii*) the question of expenditure should be dealt with in the ordinary manner. But in the case of difference of opinion on any item of expenditure between the President and the Government, there should be a reference to the Governor-General whose decision was to be final.

I need not weary you, Sir, with further details; but I wish to point out one matter. A President is elected by the House and is responsible for the conduct of business. His orders and rulings are generally final. He has in many cases to act on the advice of the Secretary, or staff of the Legislative Department. Such advice cannot be regarded as coming from a wholly impartial, unbiased and independent source. For the Secretary owes no allegiance to the House or to its President. He is responsible to the Governor in Council. It follows, therefore, that if the business of the House is to be carried on satisfactorily, the Secretary and the staff must, in some form, be responsible to the House and its President, and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and staff must also feel that they are here solely to serve and further the best interest of the House. Sir, I wish to refer to another aspect of the matter. In the Council, Government form a minority, being at most 30 (including nominated non-officials) out of 140. But this minority is able effectively to check and control the majority of the House. The Secretary and staff being Government servants must naturally look to the interest of the Government as against popular interest. We, the non-official members, I maintain, are a part of Government by law established, and should feel that the Legislative Department exists to help us in every possible way in the discharge of our duties. I do not say that we do not get help from the department, nor do I desire to cast any reflection whatever on the existing staff. But it is the principle which I am fighting against.

I find that last year in the budget discussion, a motion for token cut in the demand for Legislative Council grant was tabled by no less than 7 members—I quote the very words: "to express the indignation of the House for not getting the travelling allowance bills of the members of the Council prepared by the office." Further, it is not the business of the Secretary or the staff to help members in drawing up private bills. This is not only inconvenient, but dangerous, as private bills badly drawn up and passed at one sitting, are sure to create great difficulties subsequently.

I may mention here in passing that we do not want a Secretary with executive and administrative experience, because I find that in questions, resolutions, bills, etc., matters of administrative importance should, under the rules, be invariably referred to the respective administrative departments for opinion and advice.

I find from Sir P. C. Mitter's speech that he raised two points against separation—

(1) expense;

(2) staff—how it is to be employed during recess.

With regard to (1), I say that if it is the intention to give us a democratic form of institution, then every attempt should be made by Government to help this House which is the principal functionary in that behalf, and it is incumbent upon the Government to bear every expense necessary to conduct the business of this House on democratic lines. The Hon'ble Member knows as well as any of us that Reforms have been expensive. Whereas formerly there were one Governor who was the President of the Council and only three members, now since the Reforms, we have the Governor, the President of the Council, four Executive members and three Ministers. Several new departments have been created in the Secretariat after the Reforms. The new Legislative Council buildings across the road are likely to cost about Rs. 30 lakhs. May I repeat what President Patel said: "Economy must make way before so important a step which we all desire of taking in furtherance of the constitution which brought us into existence." Apart from this very important question of principle, it is, I think, quite possible to effect economies in many items if the Government is really willing to give us helping hand in this matter.

Further, I may point out that the question of expense has not stood in the way of the establishment of a separate Legislative Council Department under the Presidents, in Madras, in United Provinces and in the Punjab. In these provinces, the President is the head of this department and no inconvenience has been experienced in the working of the system there. The appointments in Madras, of Secretary and Assistant Secretary are made by His Excellency the Governor. In the

United Provinces, the appointments are made by the President on the recommendation of the Secretary. In the Punjab, the President makes all permanent and temporary appointments in the office staff excepting those of the Secretary and the Assistant Secretary, which are made by His Excellency the Governor on the recommendation of the President. Further, I find from the various provincial budgets that most of the provinces, like Madras, the United Provinces and the Punjab spend on an average less than Rs. 13,000 a year for the pay of the Secretary; whereas, here the Secretary, I beileve, draws about Rs. 30,000 besides allowances. It is impossible for an outsider like myself to get all the facts and figures, but I maintain that the important question of establishment of a Legislative Council Department should not be allowed to be shelved on the plea of expense. That argument is never advanced when the question is about giving more pay to the police or buying up-to-date guns for them.

With regard to the second objection as to how to employ the staff of the Council during recess, this is quite a subsidiary matter and I think arrangements can be made on a satisfactory basis. There are several law officers of the Government like the Legal Remembrancer, Government Solicitor, Government Pleader and so on. The purely legal work of the Legislative Department can very well be transferred to one of such officers with the staff of the Legislative Department. A small staff may be retained for the work of the Council. If the Reforms are honestly worked out and if the Ministers are permitted to do their full quota of work, I do not think that the staff appointed for the Council will have to sit idle. On this point, I as a non-official cannot say anything more definite at the present moment but if we receive a willing and helping hand from Government, I am sure we can work out a separate Council Department to the best interest of all the parties concerned.

Sir, I trust I have not been unduly long, but the grave importance of this subject is my excuse. As was stated by Mr. Thompson last year, this matter should be considered as a domestic matter; and the President as the head of the household, I think, should be allowed a predominant voice. I submit that on the analogy of the rules now in force in the Legislative Assembly Department—

(*1*) a separate Legislative Council Department here should be constituted immediately;

(*2*) that this department should be included in the portfolio of His Excellency the Governor;

(*3*) that the principal officers of the department should be appointed by His Excellency in consultation with the President;

(*4*) that the principal officers should be liable to dismissal by the Governor in consultation with the President;

(5) that other disciplinary action against these officers should be in the hands of the President, subject to a right of appeal to His Excellency;

(6) that the other members of the department should be appointed by the President in consultation with the Secretary and would be liable to dismissal or punishment by the President in consultation with the Secretary, subject to a right of appeal to His Excellency; and

(7) that the budget for the Legislative Council Department should be drawn up by the President for inclusion in the Annual Budget Estimates. But in case of difference of opinion between him and Government of Bengal on any item of expenditure, the matter is to be referred to His Excellency whose decision should be final.

The above rules, subject to approval by the President, should be brought into force immediately, and I do not see what useful purpose will be served by the appointment of a committee. If, however, it is thought advisable to do so, I suggest the appointment of a small committee with the President, as Chairman, to go into the matter and report at the July session of the Council.

I earnestly hope that the principle underlying the motion will be unanimously accepted.

Dr. NARESH CHANDRA SEN GUPTA: I support this motion with all the emphasis that I can command. I should not have thought it necessary to speak on this motion at all, except for the fact that I am alarmed by a statement made by Mr. Bose who suggests that, if necessary, increased expenditure might be permitted. Sir, we the representatives of the people in this Council ought to be very jealous of any unnecessary expenditure. As a matter of fact, we have always felt that the expenses of the Government of Bengal are excessive, and it has always been our plea that there should be reduction in expenditure and money should be found for other useful purposes. I think, therefore, that it ought to be made perfectly clear that some means must be found to give an independent department to the Legislative Council without any extra expenditure, and such means I am perfectly sure can be devised. To give the Government to understand that we will be prepared to sanction additional expenditure is to invite additional expenditure. I should most strongly repudiate the suggestion that this Council is of opinion that additional expenditure should be incurred. The opinion, on the contrary, most assuredly ought to be that if extra money is necessary, it must be found by retrenchment from somewhere and somehow.

Mr. E. C. ORMOND: I have only one thing to say on this motion and on one aspect only; that is in connection with the question of money. Whatever may be the correct answer to any theoretical question about the advisability or otherwise of separating the Legislative Department from this Council, I would ask the House, remembering that to-day is to-day and it is to-day that we are discussing this motion and not to-morrow, and that the name of this country is Bengal and no other country, I would ask the House to consider whether it is a matter of practical sense to advocate a reform to-day which is bound to entail additional expenditure.

3-45 p.m.

I notice that the hon'ble mover, Mr. S. M. Bose, has in effect, if I understood him, admitted that additional expenditure would be entailed; and it seems to me to be quite inevitable. To put the matter practically, we have at present our mutual friend Mr. John Bartley. I do not suppose that the proposers of the motion wish to take an axe and cut him into two halves. If they do not intend to do anything of that sort, they will require another Mr. John Bartley: and so on, both above and below, they will have to pay for the extra personnel which they will require. I notice, Sir, that Maulvi Shamsuddin Ahmed had various other motions tabled to his name further back in this list, namely, Nos. 126 and 135; and in those motions the hon'ble member, as I understood him, was advocating with great vigour that this was the time for economy, that this was not the time to spend money for example on His Excellency the Governor's band. Now, Sir, a band is a small matter compared with a complete new Legislative Department. Such a new separate Legislative Department is going to cost very much more than those sums which the hon'ble member was objecting to, only a page or two back on this list. I trust that this House will not approach this matter in too happy-go-lucky a spirit of financial optimism. I wonder, Sir, if the members proposing this motion were themselves saddled with the full responsibility of carrying it out and finding the money, whether they would be so enthusiastic about this matter. I would say, Sir, that this motion is at the present day a matter of mere theoretical discussion on which we need not waste the time of this House any longer. To spend money on this, Sir, would lay us open to the criticism that in these hard times we are wasting money—and on whom?—on ourselves. Why should we not in this Council do the maximum amount of work which nature has enabled us to do? I would, therefore, oppose this motion.

The Hon'ble Sir PROVASH CHUNDER MITTER: I welcome this opportunity to explain why the committee which I arranged to appoint could not be assembled. I am glad that Maulvi Shamsuddin Ahmed and Kazi Emdadul Hoque have put that aspect of the question. I would

remind the House that in April last year the Legislative Council in which a similar resolution was moved was dissolved—I believe that that Council was dissolved on the 22nd of April, 1929. After the dissolution of that Council another Legislative Council was formed and soon after that Legislative Council was formed and as soon as party groups settled down, we took steps to invite some members from among those who formed the different groups of that Council. Unfortunately, however, one important group, namely the Swarajists resigned and after that an important bye-election was held. The bye-election, which so far as one community is concerned, is almost similar to a general election and the members of this House will realise that the election has only just been completed. In fact some of the newly elected members joined this House after the 7th March and some of them took their oath for the first time during this budget session. That being the position, Sir, the appointment of the committee was in a state of suspended animation. I may, however, inform the House that the Praja Party which, barring the Swarajists, were at that time an important group, were invited; and letters were written, inviting Mr. A. K. Fazl-ul Huq and Mr. Abdur Raheem, Mr. J. M. Sen Gupta and Dr. Bidhan Chandra Roy. Some others were also invited; but I would not give all the names, because in view of the new constitution of the House it may be necessary to have a committee slightly different from the committee that was proposed to be appointed. Therefore, as regards the delay in appointing the committee, it is not due to any fault of Government but is due to the fact that unfortunately the old Legislative Council was dissolved, and after the new Council was formed, a large number of members resigned their seats. But there is no reason to suppose that there should be further delay about the appointment of the committee. I hope that the appointment will be completed within the month of April and soon after the budget discussions are over and we are free to attend to other matters.

Now, Sir, having given that explanation for the apparent delay in the appointment of the committee, I would like to say a few words on the lines which I placed before the Legislative Council in February 1928, when the original resolution was moved, and I consider it necessary to do so, because there are many new members who were not here on that occasion. I may begin by saying that as one who has been an elected member of this House for a very long time, perhaps much longer than any of my friends who took part in the discussion, I personally approach the question with every sympathy; I also approach the question from the point of view that on a question of principle it is desirable to separate the two functions. But approaching the question from that point of view, I am afraid it is not capable of such easy solution, as Mr. S. M. Bose in his anxiety for the principle seems to imagine. Already another member, Dr. Naresh Chandra Sen Gupta, who is perhaps more zealous of the purse strings of the Government than

Mr. S. M. Bose, and from the European group Mr. Ormond have sounded a note of warning that we must not waste money for nothing. I would likely shortly to place before the Council the present arrangement of work. Under the present system of division of work and under the existing arrangements the Bengal Legislative Department, which is a Government department, supplies the Legislative Council with the necessary staff and that staff does the work of the Council. The staff of the Legislative Department, that is to say the Government department, consist of the following: Secretary to the Government, two Assistant Secretaries, one Registrar, one Legal Assistant, two superior clerks, 13 other clerks, 5 typists, one stenographer, and a number of stenographers supplied by Government during the Council session. Normally Government work consists of the drafting of Government bills, the revising of bye-laws, drafting of subsidiary legislation and dealing with them, drafting notification, keeping up to date informations about statutes, British, Indian and local, printing and publication of Acts, obtaining and distribution of information about legislation, and consultation work with regard to different provinces; these are the principal duties of the Government Legislative Department. Now, I shall shortly place before my hon'ble friends some of the duties of the Council side of the work which is conducted under the orders of you, Sir, the Hon'ble President of this Council—organisation of Council meetings, preparation of questions, examination of bills in original, also examination of bills in detail, also examination of bills for the purpose of examining whether the previous sanction of the Governor-General is necessary, and ultimately when these bills are passed bringing them into the statute book. Now, Sir, if the staff be separated, I would like to place before the members of this Council what staff will be necessary for the Legislative Council. We shall require a fully qualified draftsman as secretary, a fully qualified legal assistant, two legal sub-assistants, some clerks and typists and a number of reporters. As I have already said, at the present moment the reporters are supplied by Government. This staff will perhaps be sufficient for the normal work of the Legislative Council; but when there is a heavy session with a bill like the Calcutta Municipal Bill with seven or eight hundred clauses, or the Bengal Tenancy (Amendment) Bill with fourteen or fifteen hundred amendments, this staff will be insufficient and the House will have to consider what staff will be required for heavy legislative work of that type. Now, Sir, at the present moment the total grant of the Legislative Department for both those activities is about Rs. 2 lakhs; to be exact a sum of Rs. 1,97,500. If the staff be separated, this expenditure will perhaps be doubled, at least it will roughly be about Rs. 1½ lakhs more and this will be the sum without taking into account the employment of reporters. If reporters are to be appointed separately for the Legislative Council, then more expenditure will be necessary. Then there is another question, namely, the Legislative

Council has not enough work all the year round. As I explained to the House last year, the sittings of the Legislative Council in the year 1921, extended over 60 days. Now, what is the staff to do for the remainder of the year? Under present conditions the staff does not remain idle. Now, the separate staff, I am prepared to assume, will begin to be busy about a month or so before the Council sittings begin. In 1922, the Legislative Council sat for 60 days, in 1923, 46 days, in 1924, 28 days, in 1925, 31 days, in 1926, 28 days, in 1927, 27 days and in 1928, 52 days, when there was a very long session in connection with the Bengal Tenancy (Amendment) Bill. Now, Sir, if these are some of the inherent difficulties and if at the same time we feel that on general principles we should try to have separation of staff, I submit a very good case is made out for an examination of the whole problem by a representative committee, a committee in which the different groups of this House should be adequately represented. Furthermore, whatever the decision of that committee might be, that committee must have the views of the Hon'ble the President of this Council who is so vitally interested in the future conduct of business in this House. If, as a result of the sitting of this committee we evolve something by which, without any extra expenditure or with a slightly extra expenditure, we can effect this separation which I found from the discussion last year was desired by many members of this House and which I believe even to-day is desired by many members of this House, we may have it. That is one proposition. But if I am to accept the suggestion of Mr. S. M. Bose to incur extra expenditure whether it be a total of Rs. 4 or Rs. 5 lakhs, or less, I should emphatically object to the House accepting the motion. And I am glad to find that I am supported in that by other members who took part in the discussion.

Then, it would be desirable to know what has been done in other places; for example what has been done in the Legislative Assembly, what has been done in various other provinces. Since I spoke on the resolution last year we have taken steps to gather all that information and but for the unfortunate resignation of an important section of this House perhaps long before this time the report of the committee would have been ready. Here I have before me a printed paper in which the necessary information as to what has taken place in different provinces has already been collected. Here is another important paper in which other important materials have been collected and I may say that in spite of Mr. S. M. Bose's labours he has been somewhat inaccurate in several particulars as to what is going on in other provinces. If the Council gives me the leave I am prepared to appoint a committee at an early date and as we do not propose to keep anything back from the committee all these materials would be available to them. I would, therefore, ask the mover to withdraw his motion on my giving him the assurance that a committee will be appointed at a very early

date, barring some exceptional and unforeseen circumstances like a dissolution or wholesale resignation. I hope to appoint a committee in the month of April and that committee will go into this matter very fully and there is no reason why in the next 3 or 4 months we shall not be in a position to deal with this question.

There is another matter which I would like to place before the House. Supposing that the House were to accept Mr. Bose's suggestion, namely, to incur additional expenditure without further examination, nothing can be done before the next budget time. Therefore, why should there be this hurry? If the expenditure be heavy then in spite of the resolution of the House we may not be able to find the money; on the other hand if we can find a solution of the question of principle and if we can manage it at a small expenditure or no extra expenditure then the position may not be so difficult. Therefore, I hope the hon'ble movers will withdraw their motions; if they do not I am afraid I must oppose them.

Maulvi SHAMSUDDIN AHMED: The Hon'ble Member has asked me to withdraw my motion in view of his assurance that a committee will be appointed in April, 1930, if no untoward or unforeseen circumstances take place in the meanwhile———

Mr. PRESIDENT: What are you driving at? You have no right of a second speech.

Maulvi SHAMSUDDIN AHMED: I only want to know whether his assurance will be of the same nature as of the last year when he said that he would appoint a committee.

The Hon'ble Sir PROVASH CHUNDER MITTER: If everything goes well and no disturbing event takes place, that is, under normal conditions I think I shall be able to appoint a committee in April next, but if unforeseen events like those of last year happen then the experience of last year will be repeated.

Maulvi SHAMSUDDIN AHMED: In view of this assurance from the Hon'ble Member I beg to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Kazi EMDADUL HOQUE: I beg to move that the demand of Rs. 1,97,500 under the head "22F.—Legislative Council" be reduced by Rs. 100 (to criticise the policy of Government regarding the prospects of the ministerial officers of the Legislative Department, the principle regulating the number of lower division selection grade posts in the department and the question of the ratio of lower to upper division posts as compared with the number of gazetted posts in the department, and to enter an emphatic protest in that connection).

Last year exactly similar motions were tabled by myself and some other members of this Council. But the time limit having been reached we were not allowed to move them; only our esteemed friend Maulvi Syed Muhammad Afzal was allowed to do so. Even while doing so he could not finish his speech because the time limit was reached while he was in the midst of it. At any rate it was put to vote and at once carried. Maulvi Syed Muhammad Afzal tried his level best to collect all particulars and figures in this respect and wanted to place them before the Council but he could not finish his speech. He told me that he had placed all the materials before the Secretary to the Legislative Department as well as before the Member in charge of the Department, and he also furnished them with a copy of his unfinished speech. Now, Sir, though the motion was carried I do not know whether any effect was given to it. If, as I was given to understand by my friend referred to, that he had placed all the materials he had collected to the Legislative Department, I think the department on a perusal thereof, could have learned that the grievances of the lower division clerks were not imaginary but real, and were deserving of consideration at the hands of Government. If the Government have given consideration to this matter, well and good; if not, I should like to know whether they are prepared to give full consideration to it now. As this is an important matter we must draw the attention of members of this House to it and I hope Government will not resort to dilatory methods in giving effect to the resolution.

With these words I move my motion.

Mr. PRESIDENT: You may speak on the motion which has already been moved as the two motions are identical. Your own motion will be treated as withdrawn.

Maulvi SHAMSUDDIN AHMED: I do not want to make a long speech on this motion but would ask the Hon'ble Member in charge of the Legislative Department one question. I understand that the motion that was moved last year was carried in this Council and I do not know if after the lapse of a year the Hon'ble Member has done anything to give effect to it. We have a right to know this from him and I hope that these things should be taken into consideration by the members of this Council.

The following motion was not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 1,97,500 under the head '22F.—Legislative Council' be reduced by Rs. 100 (to discuss the question that nothing has been done to better the pay and prospects of the Legislative Department)."

The Hon'ble Sir PROVASH CHUNDER MITTER: Last year it is true that the motion referred to was carried but I had no opportunity

of speaking as the guillotine fell when I was going to speak. However, I may inform the House that since last year a great deal of progress has been made. Government in the Legislative Department took up this question and after examining it forwarded it to the Finance Department. That scheme has been examined and definitely redress on most of the points barring one point has been administratively approved and also approved by the Finance Department. But actual effect can only be given along with other schemes when funds permit. That is the position. The scheme is an approved scheme now but actual effect has not been given. If the hon'ble members think that they may put in a formal cut it may affect the object they have in view more than mine because this cut may make re-appropriation difficult. But I may assure the House that funds permitting both the administrative department and the Finance Department are quite willing to take the necessary steps.

The motion of Kasi Emdadul Hoque was then put and lost.

4-15 p.m.

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 24,800 under the head '22G.—Civil Secretariat—Judicial, Political and Appointment Departments—Pay of officer on special duty' be refused."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 2,45,000 under the head '22G.—Civil Secretariat—Reserved—Judicial, Police and Appointment—Pay of Clerks' be reduced by Rs. 29,000."

Mr. A. K. FAZL-UL HUQ: I beg to move that the demand for Rs. 3,18,000 under the head "22G.—Civil Secretariat—Judicial, Political and Appointment Departments" be reduced to Re. 1 (to draw attention to popular discontent at the policy of Government in launching prosecutions for even trivial political offences).

Sir, as is evidenced in my motion I want to raise a discussion at the important question of launching political prosecutions. I do not wish to say anything in detail as regards the policy of undertaking prosecutions relating to political offences. But my experience is that the expenses involved in such prosecutions are quite out of proportion to the importance of the prosecutions themselves. In one case I remember that in the district of Rajshahi there was a disturbance at a meeting in consequence of certain students refusing to obey the orders of the officer in command and the prosecutions that followed the disturbance cost the public purse nothing less than Rs. 4,000. I am not quite sure about the exact figure but this is what I gathered from an informal talk with the Public Prosecutor. Recently there is a prosecution going on

in Alipore—the case is sub judice, and I cannot say anything about it here—in which considerable expense is being incurred in the shape of fees at Rs. 300 per day which is paid to the Public Prosecutor and proportionate fees to the junior pleaders who are engaged in the case. I raise this discussion because of the fact that in my opinion large sums are spent over these prosecutions on pleaders' fees which can very well be saved for purposes far more good both to the country and to the administration than in prosecutions over which they are spent. No doubt when the law is broken it is necessary that some steps should be taken, but I would submit for the consideration of the Hon'ble Member that a slight discrimination should be made in undertaking prosecutions in view of the ultimate expenses that may entail on the public exchequer. I want to raise a discussion on this issue only and I do not wish to criticise the policy that may be behind the measures taken by Government in undertaking prosecutions. In my opinion I think most of these offences are of such character that no prosecution need be undertaken at all. With these few words I place the motion before the House and I hope the Hon'ble Member in charge will be able to give us some information as to the reasons for launching these prosecutions.

Mr. I. A. CLARK: This motion now before the House seems to me to hang on two statements, with neither of which I find myself in agreement. The first of these is that there is popular discontent in this country regarding the policy of Government in launching prosecutions for political offences. I cannot find myself in agreement with that statement. I doubt whether more than one per cent. of the population knows anything whatever about these prosecutions. But whether or not this is so, my opinion is—and I offer it for what it is worth—that the average law-abiding citizen of this country knows perfectly well that if he breaks the laws of the country he is liable to prosecution and I think he is perfectly prepared to accept the position.

The second statement with which I do not find myself in agreement is that it is the policy of the Government of Bengal to launch political prosecutions. I do not believe it is their policy at all. What I think is that, the laws being there, Government cannot possibly help themselves but must prosecute when the laws are broken. Now, Sir, there are many people in this House who hope, in the fulness of time, to attain to positions of much greater responsibility than they now fill. I suggest to these gentlemen that they will be laying down a very dangerous precedent for themselves if they support a motion of this kind. I beg, Sir, to oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, I did not intend to speak in support of the motion moved by my hon'ble friend Mr. A. K. Fazl-ul Huq. I feel, however, that I cannot allow the remarks of the last

speaker to go unchallenged when he said that there was no popular discontent in the country at the launching of trivial political prosecutions or prosecutions. I am afraid my hon'ble friend was speaking without his book. I know that it is an idea commonly held that we, the so-called educated section of the Indian public, know nothing of the feelings of the common people of India, and that their ideas and knowledge are in the special keeping of Englishmen who are trustees for them. Where and on what date the trust deed was executed and by whom I do not know. But I do say that this is an idea which has been absolutely exploded. We, the educated Indians, may be very small in number—thanks to the British policy, but we do represent the feelings of the common people better at least than the Englishmen who sojourn amongst us here. I do say that my hon'ble friend Mr. A. K. Fazl-ul Huq is perfectly right when he says that there is popular discontent over this policy of Government. I am not an adviser to the Government and if I were I would ask for my fees before giving any legal opinion. But I do say this, that the launching of trivial prosecutions in political cases defeats its own object. There are transgressions of the Penal Code and other laws every day, every minute and every hour, and if every such transgression of the Penal Code were to be prosecuted by the State I do not know whether the funds of the British exchequer would be sufficient for the carrying out of these prosecutions. What does happen is this. In some obscure corner of the province, some obscure paper puts in three lines which, in the words of the Chief Justice of the Patna High Court, are "silly nonsense" and Government run it in for sedition thereby advertising the paper. I submit that this, instead of scaring the people or terrorising them into loyalty simply makes cheap martyrs of the accused and gives them cheap advertisement which otherwise would not have happened. I submit that this policy of the Government in launching prosecutions for trivial political offences is a policy that is being consistently followed for the last two years as the daily newspapers will show. I say that both the statements in the motion of my hon'ble friend are true and I commend the motion to the notice of the House.

Dr. NARESH CHANDRA SEN GUPTA: In supporting this motion I wish absolutely to disabuse the minds of the members of this Council of the notion which seems to prevail in the benches opposite and which has been given vent to by one of the speakers that the Government cannot help itself, the law being what it is. Unfortunately it is neither law nor policy. It is not obligatory upon the Government to prosecute for every little violation of those sections of the Penal Code under which these political prosecutions take place. If my hon'ble friend opposite was aware of the state of the law he would have known that no prosecution under section 124A or under any one of those sections can be undertaken except with the sanction of Government and the policy of that provision is that it is for the Government to weigh the magnitude of

the offence before it directs a prosecution of this character, and by the way in which prosecutions have recently been undertaken in this province I venture to think that the opinion could be freely given that the Government has not exercised its discretion properly. Prosecutions have been undertaken for trivial offences, if offences they were. It is not open to us here to discuss the merits of judicial decisions. Let us assume that they were offences which have been so found by the courts. But what is the true test for determining whether they were trivial offences or not? It has been laid down by a high judicial authority in England that the offence of sedition is not committed unless something has been said which is likely to lead to a breach of the peace. That is the principle which has been adhered to by the courts in England and that is the principle which has been laid down by His Excellency the Viceroy for the future policy of India. Now judged by this test let us examine any case which has been recently started, no matter whether the prosecution has ended in conviction or otherwise. There can be no doubt—not the slightest doubt—nor the slightest suggestion was made anywhere in any of those cases that there was any reason for any apprehension that the speeches made were likely to lead to violence. There may be one or two exceptional cases, of which I am not aware, but I have examined several cases and in none of them can it be honestly said that there was the slightest chance of their causing any breach of peace. If this is the test, and if Government would accept this test, I am afraid there would be no answer to give to this motion no possible plea to make that the prosecutions which were undertaken were not prosecutions for trivial offences. So long as section 124A is there, so long as those other sections relating to political offences stand there, Government can certainly prosecute, but they are not only not helpless, not only not bound to prosecute, but they are acting with absolute want of discretion and want of prudence in instituting these prosecutions. These prosecutions—every one of them—give a further handle to those discontented people who are determined to spread discontent amongst other people. Sir, I can remember the days—and I have been fairly long in politics—when prosecutions for sedition were unheard of. I can remember the great commotion which was caused by the first prosecution for sedition for many years—the prosecution of Bal Gangadhar Tilak. In those days the feelings of the people over those prosecutions are well known to many of us. Between those days and these days there is a world of difference and the difference, if I may say so, has been brought about by these prosecutions for trivial offences carried on in a most grandiose style which give to these cases an importance which they do not deserve. I say, Sir, that the Council would be acting with a full sense of responsibility if they give their fullest support to this motion.

Babu SATISH CHANDRA RAY CHOWDHURY: This is a subject, Sir, on which every block in this House should speak. Because the

sentiment is universal in the matter and everyone ought to speak

Mr. PRESIDENT: I am very sorry. I have to adjourn the Council for prayer. You can speak after we re-assemble.

[At 4-35 p.m., the Council was adjourned for prayer and it re-assembled at 4-45 p.m.]

Babu SATISH CHANDRA RAY CHOWDHURY: Mr. President, Sir, as I was going to say, this is a subject on which every shade of opinion in this House ought to speak out, considering the importance of the matter and considering the universal sentiment that is prevalent in the country. Sir, this question of prosecution for trivial political offences has assumed very great importance to-day. This fact cannot be denied by Government, because we find that these prosecutions are leading the country from bad to worse. Sir, I believe that not even a member of the European community, who to-day is so indifferent to the aspirations of Indians, who to-day does not even care to read one Indian paper with his morning tea, would be able to ignore the condition of this country prevalent to-day. If they persist in this policy of indifference, they will forfeit their right to be heard on any Indian question.

Now, Sir, the question of policy has been raised in this discussion. I submit that the majesty of law is often as much vindicated by the enforcement of law and order as by abstaining from doing so. This question of policy, if it is analysed, will be found to be opposed to the question of principle. It may be that on principle, in every case in which the law is violated, a prosecution may have to be launched, but policy may dictate otherwise. Expediency may dictate otherwise. We are living in very exciting times to-day, and, therefore, it is not at all unlikely, it is not at all unnatural, that those who have got to use the public platforms to-day should at times exceed the limit which has been set by law. But if there is such a case, if there is to be a prosecution, in every such case of technical transgression of the law, the condition that would prevail in the country can better be imagined than described. We find, Sir, that in some glaring cases of prosecution which have been launched, the whole country has been thrown into a vortex of agitation. I believe that but for these prosecutions the political atmosphere would have been much quieter. I do not believe that Government really wants to see the whole country thrown into tremendous agitation such as we have witnessed. Indeed, Government do not know their own minds. They believe that by launching these prosecutions they can cow down the people. But they are mistaken. For Bengal—or for that matter India—will not be cowed down by such a course. The people of Bengal will not hesitate to assert their own opinions and rights on the platform as well as in the press.

Sir, I say the expression "Would to God we could see ourselves as others see us" is a sound one. We wish the Government could see them as we all see them. We are here, Sir, not as the enemies of Government, for otherwise we would not have been here. We want to voice the sentiment that is prevalent in the country to-day, and being here what we desire is that Government should be carried on without any very great trouble or embarrassment. It is for that reason, I believe, that my friend, Mr. Fazl-ul Huq, has brought this motion forward to apprise Government of the real state of affairs, to warn Government of the consequences which these prosecutions would lead to. I consider that it is up to us to advise Government once for all that even when we transgress the law in some respects, it is advisable, it is expedient, not to go on with these prosecutions. Sir, I repeat once again that we are living in very stirring times. We do not know what the morrow will bring to us; so it is up to Government to be patient, to be circumspect, and not to go headlong with these political prosecutions.

With these few words, Sir, I support the motion.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I feel that I ought not to have supported this motion of my friend Maulvi Fazl-ul Huq, because, Sir, I am already under arrest, under an order promulgated by the District Magistrate of the 24-Parganas. So, Sir, I shall be very cautious. I shall use measured words as far as possible in supporting this motion. Sir, I want to know the resources of Government. As far as I have seen from the budget, it is only Rs. 11 or 12 crores. If political prosecutions go on increasing like this and if thousands of rupees are spent on them, if Rs. 20,000 or more is spent on the case of Babu Subhas Chandra Bose and others, I say that this Rs. 11 or 12 crores will shortly be exhausted. I want to know the financial resources of Government and the capacity of their jails. I know, Sir, that in the year 1921, when indiscriminate arrests were made by Government, the authorities had to provide temporary jails with wire-netting outside the town at Kanchrapara. New trends of thought and new angles of vision have come over the people of Bengal. If shouting of *Bande Mataram* is an offence, if shouting of "Long live revolution" is an offence—not ordinary offence but a seditious one—and convictions are made for these offences, I submit that half of Bengal will be in prison, and the resources of Government both in money and jail accommodation will come to an end. I think that Fort William or the Government House will also have to be used as jails. The result will be that nation-building departments like education, sanitation, etc., will be starved for want of funds. So I give a word of warning to Government, and hope that they will consider this matter carefully.

Maulvi SHAMSUDDIN AHMED: Sir, I had no mind to speak on this motion, but for some remarks of one of my European friends over

there, who spoke against the motion, I am very much tempted to say something in reply. Sir, this Government, as we find from the budget, emphasizes the fact that they are in want of funds: they have not got enough funds for famine relief and other nation-building departments. But when the question of political prosecutions come in, Government is very lavish. I find, Sir, that the Hon'ble Member in charge and the Chief Secretary are looking at me. I remember that in the year 1927, when I had the honour of being acquainted with the redoubtable Mr. Prentice, I went to see him in connexion with the Palasipara riot cases in Nadia district. I remember that I represented to him the folly of Government in launching prosecutions in trivial cases, and I remember also the words he told me then. But that is beside the point. I know very well that the intention of this Government in launching political prosecutions is to strike terror in the hearts of the people. I know also that Government realise that the people of this country have come to love their mother-land and that they want it to be free. It seems that in order to stifle that spirit of freedom, this sort of prosecution is launched. But I want to tell my European friends that these prosecutions, be they trivial or be they serious, will never stifle the freedom movement in this country. I was myself one of His Majesty's guests in the year 1921, and I realise, and any one who has once enjoyed the hospitality of His Majesty in the jails will also realise, that the time is coming when these prosecutions will certainly be numerous; but, Sir, Government is being warned in this House that how so ever large the number of prosecutions may be, the people will not stop short of their goal.

Sir, for myself and for those who love their country and those who want to see their country free, I welcome these prosecutions, but I want to warn Government that if they persist in launching these trivial prosecutions, they will only be setting the minds of people against them, and this spirit of revolt will gradually permeate the masses, and then the situation will become very serious for them.

5 p.m.

The Hon'ble Mr. A. N. MOBERLY: I am glad of having an opportunity to explain the position of Government in this matter. From the speeches which have been made one would infer that Government spend their time in raking up every possible seditious utterance, and that whenever they can get an opinion that there is a chance of a successful prosecution, they take it. I may assure you, Sir, and through you I may assure the House that that is a completely wrong idea. The number of seditious utterances and seditious acts which come to our notice would, I think, probably surprise members. The number of cases in which we take action is comparatively small, and we never take action in any case at all without considering all the circumstances. I am not

quite sure whether the members who have spoken intend to suggest that Government should abstain completely in future from prosecuting under any circumstances at all, but I am perfectly certain that if Government were to take that line, they would be asked by everybody as to whether they intended to govern or not. I think that a Government which tolerated incitements to the public and particularly to the more inflammable portion of the public to end that Government by violent means would certainly deserve to be ended by such means, and it is quite possible that it would be ended; but, Sir, the present Government does not propose to sit down and take no action whatever, though we take action only where we consider it necessary.

I cannot agree that we sanction prosecutions for trivial offences. Only two cases have been mentioned specifically. One is known as the Rajshahi case. In that case a very important principle was involved, viz., whether police reporters who attend a meeting in order to report the speeches are to be allowed to do so or not. We could not admit that it rested with the people present at the meeting to decide whether their speeches were to be reported or not. But when, not Government, but the other side took the case up to High Court, we had to go there too. The other case is at present sub judice, and I cannot go into the details of the case. It is under trial before the Special Tribunal at Alipore, but I can only say that we regard that case as of first rate political importance, perhaps the most important that has come before the courts for several years. I do not think that the examples which were noticed by my friend were particularly good ones. Further, I may say that if Government are going to undertake prosecutions at all, it is their duty in the interest of the public to see that the cases are properly presented to the court, particularly when an important point of principle or of law is involved. Such presentation is sometimes costly, but I think the House may trust Mr. Ghosh to see that there is no undue extravagance and in fact I may mention a cabinet secret—that sometimes I wanted to spend more money than Mr. Ghosh was prepared to allow me to do. I am very sorry if there is a feeling of discontent in this country about these prosecutions, but I think the feeling of discontent will become less when people know that we are not out to prosecute in every possible case, and that we do select our cases with a great deal of care and discrimination. Mr. Narendra Kumar Basu said that we picked out three lines from various obscure papers in the mufassal. I have racked my brain over this and do not remember any such case, but there are one or two papers with which we eventually had to deal with.

It has been said that the difference in the political atmosphere of the country to-day from what it was some years ago is due to the prosecutions which have been instituted. I would ask the House to consider whether the truth is not that the increased number of prosecutions is due to the different atmosphere of the country. It has been suggested

by Maulvi Shamsuddin Ahmed that our object is to strike terror into the hearts of the people. We have no such desire, all that we desire is that as far as possible the law should be observed. The law prohibits people from bringing Government into hatred or contempt. I have not the slightest objection to Government being attacked for not carrying out certain measures, even in good-naturedly contemptuous way, as was done yesterday, but Government is bound to protest if it is attacked in a way which shows a desire that it should be ended by revolution.

I beg to oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: Does the Government undertake to lay down the principle that there should be no prosecution except where there is actual violence?

The motion of Mr. A. K Fazl-ul Huq was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Ali, Maulvi Syed Hausher.
Baksh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Chani.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Meque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lal Muhammed, Haji.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Salleswar Singh.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Garner, Mr. C. W.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Insch, Mr. J.

Khajja, Maulvi Abul.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. C. F.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 59 and the Noes 38, the following motion was carried:—

"That the demand for Rs. 3,18,000 under the head '22G.—Civil Secretariat—Judicial, Political and Appointment Departments' be reduced by Re. 1 (to draw attention to popular discontent at the policy of Government in launching prosecutions for even trivial political offences)."

5-15 p.m.

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 7,000 under the head '22G.—Civil Secretariat—Finance, Commerce and Marine Departments—Pay of officers on special duty' be refused."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 8,000 under the head '22G.—Civil Secretariat—Reserved—Temporary Establishment' be reduced by Rs. 3,000."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 98,300 under the head '22G.—Civil Secretariat (Reserved)—Pay of Officers' be reduced by Rs. 1,000 (as a protest against the appointment of Assistant Secretary of the Finance Department on a scale of pay higher than what is fixed for corresponding posts in other Departments of the Secretariat)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 41,000 under the head '22G.—Civil Secretariat (Reserved)—Allowances, Honoraria, etc.' be reduced by Re. 1 (to criticise the policy followed in accommodating clerks sent to Darjeeling in Government quarters and elsewhere)."

Babu JATINDRA NATH BASU: Sir, I beg to move that the demand of Rs. 8,88,500 under the head "22G.—Civil Secretariat—Reserved" be reduced by Rs. 10 (to raise the question of general retrenchment of administrative expenditure, specially in the Reserved Departments).

Sir, when the new system under the Government of India Act of 1919 was started, we commenced with an elaborate and expensive system of administration which was partly inherited from the previous system and was partly a new system. Since then, year after year, we have been told that there has been no expansion of the revenues of the province. But except for the Retrenchment Committee of 1921, there has been no real attempt on the part of the Government to take note of the fact that the revenues are not expanding. There has on the other hand been a tendency, and a strong tendency, for expenditure to grow. We have also been repeatedly told that the sources of revenue assigned to this province are not elastic. We are now, Sir, on the eve of a great change. We do not know what is going to happen; but we can take it as a fact that ordinarily the revenues which Bengal is likely to have under any new system will probably not be such as will leave us sufficient funds for the working of those departments which mean moral and material progress and real advance to the people. Those that have discussed the question of Bengal's claims for more money with administrators and with leading politicians belonging to other parts of India have found that though there is no antipathy towards Bengal, there is a great lack of sympathy for various reasons. The Permanent Settlement of Bengal is said to be one of the reasons. In order that Bengal may have the money she wants, so that she may not remain relegated to the 18th century as she now is, Bengal wants very much more money than she has now, and in the ordinary course is likely to have under any new system. It is, therefore, necessary that the Government should commence thinking about recasting the administrative machinery and reducing the cost of it. We must have more money, as we cannot remain satisfied year after year in this second quarter of the 20th century with having only 20 per cent. of our people literate, with having our health neglected in the way that it has been during the last hundred years and with having our small industries and home industries neglected in the way they have been. Any Government that desires the real welfare of the people should not only note the present needs but should look ahead and should lay the foundations for a better life for the next and succeeding generations. That unfortunately has not been the course of administration in Bengal. I therefore suggest, Sir, that the Bengal Government should not only take steps to retrench but should take steps to recast the machinery of administration. They should take up the work immediately, if Bengal is to make any progress, and she is not to remain where she has been for the last quarter of a century. The Government should take note of the fact that the world is progressing by leaps and bounds all around us, and the people of this province cannot remain satisfied and will not remain satisfied with staying where they are. The sooner a note is taken of that fact and the administration is regulated on the basis of that fact, the better it will be for all concerned. Otherwise there will be not only discontent,

but there will be constant friction. The duty of the administration is not only to keep order but also to look to the future and see to the welfare of the people, to see where the people are going. If an administration does not look to that, that administration has no justification for having charge of the conduct of affairs of the country. I trust Government will take note of the serious discontent that their inaction during the last 10 years has caused. I have referred to the Retrenchment Committee. But so far as the recommendations of that committee are concerned very few of them were given effect to. If the recommendations had been given effect to to the full extent, there would have been simplification of the administrative machinery. Government should look to the people and not to the machinery only. The welfare of the machinery is no doubt one of the things that is necessary in order that the machinery may work for the good of the people, but there does not seem to be any reason why the needs of the people should be neglected.

Babu SATYENDRA NATH ROY: Sir, I whole-heartedly support the motion moved by my friend Mr. Basu. The top-heavy administration is responsible directly and indirectly for the discontent which is now pervading not only amongst the educated and intelligent section of the population but amongst the masses. People ask for what purposes the taxes are raised. Is it for benefiting the people or for benefiting a very selected few? The members of the Council when visiting their constituencies have always to look small when these questions are asked, simply because the only answer which we can give is that taxes are raised for maintaining this top-heavy administration. Sir, the two provinces of Bengal and of Bihar and Orissa were a few years ago ruled by one Lieutenant-Governor with three Executive Councillors, the offices of the Executive Councillors being created only a few years ago. Now, in place of two or three, how many have we got? I think thirteen. There are eight in Bengal and five in Bihar including the two Governors. My friend, the Hon'ble Sir Provash Chunder Mitter, yesterday defended the offices of the Executive Councillors on the ground that formerly there were a few members of the Legislative Council and there was no responsibility to Council members. I was really astonished at that defence. I have no personal knowledge of the administration during the last 30 years of the last century, but judging from recorded history one would emphatically say that there was more sympathy, more outlook of things and more discretion on the part of the Executive than it is now. I was also sorry to hear his defence that he owed his position here under the Government of India Act. Sir, why was the policy of taking in Indians as Executive Councillors initiated? It was to advise the heads of provinces on the true situation in the country. Sir, has any of our Executive Councillors, and I mean Sir Provash particularly, done it? Sir, the cost of another reserved department is rising up every

year by leaps and bounds and it is the Police Department. Not only fresh appointments are made but all the latest amenities of life, viz., first class buildings, motor cars, etc., must be provided for them. Sir, unless Bengal retrenches and that to a great extent, she would find that for ordinary requirements of administration additional heavy taxes would have to be imposed, and fresh taxes would mean a province with the whole population from the big landlord to the cultivating raiyat discontented and disaffected.

The Hon'ble Mr. A. N. MOBERLY: I rise on a point of order, Sir. Does this matter arise out of the demand "Civil Secretariat—Reserved?"

Mr. PRESIDENT: What is your point?

The Hon'ble Mr. A. N. MOBERLY: Sir, the sum that I am asking for is meant for the pay of officers, establishment, allowances, supplies and services, contract contingencies, etc. It concerns people like assistant secretaries and clerks and has got nothing to do with the members of Council.

Mr. PRESIDENT: Am I right that you take exception to the member's remarks regarding the Executive Councillors?

The Hon'ble Mr. A. N. MOBERLY: Yes, Sir.

Mr. PRESIDENT: I think you are right. But I think Mr. Roy's remarks were not wider than those of Mr. Basu. Strictly speaking, the member should not refer to the Members of the Executive Council.

Babu SATYENDRA NATH ROY: Sir, one of the main problems of administration in Bengal is the problem of retrenchment and if the rulers can tackle that problem to some extent it would be going a great length towards a satisfactory state of administration.

Sir, immediately on the inauguration of the Reforms a Retrenchment Committee was appointed but unfortunately not much heed was taken of that report. Was it a report made by a band of agitators or irresponsible critics? It was a report presided over by a very able member of the Indian Civil Service and having in its personnel such a man as Sir Rajendra Nath Mukherjee, like whom there is no other economist, commercial or administrative.

I have heard my European friends telling us with a grave face that this country is losing commercial credit owing to the unrest increasing day by day. I would ask them the question if the commercial credit of this province would increase, if it comes to the verge of bankruptcy. I would ask our administrators only to pay a visit to the mercantile

houses in Clive Street and see how cheaply they are run. They have no secretaries, no under-secretaries, no assistant secretaries, no head assistants and no registrars.

Is the present costly administration suited for a country where a majority of the people do not get two meals a day and where even a University graduate cannot get a billet of Rs. 30 per month?

5-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I think the Hon'ble Sir Provash Chunder Mitter who was pleased to compliment me for being thoughtful about the purse of the tax-payers will agree with me when I say that he should show the same thoughtfulness and induce his colleagues of the Executive Council————

Mr PRESIDENT: Please keep in mind the ruling that I have just given.

Dr. NARESH CHANDRA SEN GUPTA: Yes, Sir, I am strictly confining my remarks to the Secretariat. I was saying, Sir, that Sir Provash Chunder Mitter should try to induce his colleagues of the Executive Council and the Ministers to stick to the same principle of economy. Sir, I am not one of those who think that the administrative expenditure of Bengal in gross is very excessive. It is not. A country of this size in other parts of the world spends a great deal more but it also earns a great deal more. Our complaint is not against the total amount of expenditure, but against the proportion that it bears to the direct work for the welfare of the people. Sir, Government exists primarily, if not exclusively, for the benefit of the people and administrative expenditure is only justified to the extent which is absolutely necessary for doing this work for the benefit of the people. But what do we find in this country? Wherever a single pice is spent, a single rupee is spent for any beneficent purpose a hundred rupees will perhaps have to be spent for spending that one rupee for that particular benefit. It is the absolutely ridiculous want of proportion between the administrative expenses and the beneficent activities of Government, against which we complain. Let the Bengal Government expend ten times the amount which they are spending for administration but the amount which they are spending on administrative expenses should be represented by at least ten times the amount spent for the benefit of the country. If you judge it by that test, by the proportion which this money bears to the money that goes back to the tax-payers in the shape of efficient service, in service for their welfare, the Government of Bengal cannot make a good showing. That is the complaint made ever since the

Reforms were started, and in the new-born enthusiasm of a new Government they appointed a Retrenchment Committee. It sat for a long time, discussed the details of administration in every department and made a report recommending a certain amount of reduction in expenditure. Well, what has become of that report? It will not be true to say that no recommendation of that committee has been accepted. Some of the recommendations have been accepted but I think I am perfectly justified in saying that the report as a whole has been relegated to the region to which hundreds of reports of committees of Government have gone, to the lumber-room perhaps where it will rot till it rouses the interest of some inquisitive antiquarian of the thirtieth century. That is not the way to do business. I do not pretend to be familiar with the processes of the Secretariat but I know enough of it—having had for some years occasion to come in contact with the Secretariat—I know enough of it to say that the Bengal Secretariat has not, at any rate during all the time that has passed since then, done anything to repudiate the description of similar offices by Dickens as a circumlocution office. I know that there was a request made by a particular college for an additional grant of Rs. 250 for an almirah, some time in August. That recommendation came through the various stages and about the end of the financial year, in March, the head of the college was asked whether he could do with Rs. 150. That is the way in which work in the Secretariat is done and that is the reason why the expenditure is so great. If the various stages through which correspondence has to pass are got rid of I am perfectly sure that an enormous reduction in expenditure could easily be made. That reduction is feasible in numerous ways was shown at the time of the War when retrenchment of all sorts was found to be possible, which could not be thought of before. What has happened to-day? Are we so flush of cash. Is Bengal overflowing with funds that no thought requires to be paid to questions of retrenchment? On the contrary the financial position of Bengal being what it is, I should expect every Executive Councillor and every member of this House to be wide awake to the supreme necessity of retrenchment, and most of all the Indian Members of the Executive Government who are aware of the feeling of the people in these matters and some of whom have given strong expression to their feelings when they were not in office.

Babu KISHORI MOHAN CHAUDHURI: Sir, I was in this Council in the beginning when the reformed Government was introduced. You will remember, Sir, when there was a proposal to impose three taxes upon this province—I believe it was in 1922—Lord Ronaldshay, then Governor of this province, came here to this assembly and assured us that the jute tax was sure to be allotted to Bengal and we are asked to rest assured that as soon as that would be done the proceeds of the three

taxes would be set apart for the nation-building departments. But what has been done, Sir? Has that assurance of Government been kept? What has been done during these ten years? If there is no chance of an expansion of revenue we ought to cut our coat according to our cloth. If you have no money you must be very frugal and very careful of your funds, and resort to retrenchment. A Retrenchment Committee sat upon the finances of Bengal and made certain proposals, but, Sir, how many of their recommendations have been given effect to? We are crying ourselves hoarse from the very beginning for reduction of Government's expenditure. In the beginning there was some money in our treasury for the development of education and sanitation but a large amount of it was swallowed up in the first year of the reformed Government. Next year Rs. 1½ crores had to be raised by taxation and another taxation, I mean, an education cess which would be also very heavy, is still staring us in the face. If that money could be saved there would be no necessity for imposing another tax for education. It has been admitted, Sir, that primary education is a necessity but how to bring about this desideratum? There is nothing in your store. Whenever any proposal is brought forward for the nation-building departments the excuse is that Government have no money. The result is that education is suffering, agriculture is suffering and no development in any way of our resources is possible.

Then how are we to go on? It is high time that there should be a warning given to and censure passed on Government for not paying heed to the proposals of retrenchment often made by us and for always taking shelter upon some hope never to be realised; but, on the contrary always fresh proposals are being put forward by them for taxation. If we go on in this way there will be no end of it. We suggest that this reformed Government is no good to us; we suggested a dissolution so that we might go to the country for their opinion whether the Government of this country should be carried on in the way in which it is being carried on at the present time. How the Meston Settlement was arrived at we do not know but we sent a deputation to the Government of India to allot more money to us to relieve us of the heavy contribution to the Government of India. But that was only considered and nothing more resulted from it.

5-45 p.m.

No attention is paid to proposals for retrenchment, and we are always going in for proposals for which we cannot find money. So, Sir, I heartily support the motion moved by my friend Mr. Basu. I think that it is high time we expressed our disapproval of the way in which Government is being carried on.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to support the motion and in doing so I shall give some facts. As a sort of preamble I will say that when we ask for any money for the Education Department, we meet with a curt refusal, the usual reply being the stringency of fund. When we ask for money for public health and sanitation, the reply of the Finance Member is not more generous. When we ask for fund for water-supply and medical improvement, the usual negative and cold response comes from the Finance Department. In fact all public demands for money for the advancement of public causes have been, with very rare and honourable exceptions, opposed tooth and nail by the department which considers itself as the custodian of the public finances in this province. But how extravagant is this Finance Department, and how ruthlessly this department deal with public finances, will be apparent from the treatment of their own department. In reply to Babu Hoseni Rout's question the Hon'ble Finance Member has said that it was found necessary to appoint the assistant secretary and that also on the high rate of pay of Rs. 900 in the scale of Rs. 500—50/2—1,000, i.e., with several advance increments above the initial pay of Rs. 500. I will presently show that there is no necessity for this post not to speak of appointing him on this unusually high pay which is not drawn by any of the assistant secretaries in the entire Secretariat.

Before the introduction of the present reform Government, there were 68 assistants in the Finance Secretary's office. Now, that is after the Reform, there are 79 assistants. This shows that work of the department has increased by 11 per cent. The department which preach and sermonise economy to other departments, specially the nation-building departments, can, therefore, sensibly and according to all principles of administration, claim only corresponding or proportionate increase in the number of its officers. But instead of that it has 100 per cent. increase in its administrative staff. Before the Reform there were four officers in the department, viz., one Member, one Secretary, one Under-Secretary and one Registrar. We have now, i.e., after the Reform in their places seven officers permanently, viz., one Member, one Secretary, one Under-Secretary, one Registrar, two Deputy Secretaries and one Assistant Secretary. Sometimes their number is further increased by one or two special officers. Thus at this particular moment we have, in addition to the seven permanent officers mentioned above, one special officer and one Additional Deputy Secretary, i.e., altogether nine officers against four in the pre-Reform days. If the volume of work in a department is determined by the number of assistants, employed therein, as certainly it is, on the statistics and figures to which I have already referred, there is absolutely no ground for so many officers in the Finance Department, far less for an assistant secretary and for his appointment with several advance increments above the initial pay in the scale of Rs. 500 to Rs. 1,000.

Sir, if with nearly 100 per cent. increase in the number of officers against only 11 per cent. increase of clerks, which shows the real increase in the volume of work in the Finance Department, the officers in that department cannot manage affairs there and still feel it necessary to create an additional post of assistant secretary as they have done, it is high time that without further wasting public money so scandalously, they should relinquish their charge to some other abler hands and betake themselves to some other business where they can display their ability more gloriously.

The Hon'ble Mr. A. MARR: Sir, I came here prepared to reply only to the motion on the paper, that is to say, in regard to the establishment on the reserved side of the Secretariat. But the discussion has taken a much wider turn, and perhaps I may be permitted to answer on more general lines. The first point that does not seem to me to have struck this House is that, since the institution of the present reformed Government, the volume of work has increased enormously. I think that everyone connected with the new Government and acquainted with the state of affairs prevailing in 1919-20, will agree with me. We may take the case of this Council. Before the present Council was constituted, it consisted of only 27 elected members; now it has 114 elected members. The Secretary, Mr. Bartley, could give us—if I had known beforehand of this general discussion, I could have got them—figures of the number of questions asked in 1920, and the number of questions asked last year; the number of resolutions moved in 1920, and those moved last year; the number of pages in the Hansard containing the speeches then and now. Surely, that alone, as members must realise, entails a great deal of extra work in the Secretariat.

Now, apart from the Secretariat, remarks have been made regarding increases elsewhere. I would ask members to think as to what has happened in the mufassal offices. Since the new Government has come in, we have district officers supervising general elections, district board elections, etc. The whole system of union boards has been introduced. I have no personal experience of the working of these—members all know better than I do—but I am informed that that alone means a very considerable increase in the mufassal work. All this growth means a continued increase in correspondence, and the development of new departments. Take, for instance, land revenue. The Hon'ble Member in charge informs me that even *tauzi* work has increased very much, the number of states has increased as well as the number of separate accounts. One has got to remember all this in discussing this question. If you go in for a more popular system of Government than you had before, the volume of work is bound to increase, and the establishment must increase accordingly.

Sir, I only wish I had had notice of the points to be raised in this discussion, as in that case I could have brought figures to prove my contention conclusively.

Sir, let me take the next point, retrenchment. Mr. Basu, who moved this motion, said that no notice had been taken by Government of the fact that expenditure was increasing in spite of the fact that our revenue was stationary. Sir Provash and I have just been refreshing our memories. When we returned from Simla on the deputation in September, 1921, to interview His Excellency the Viceroy, Lord Reading, as regards the Meston Settlement, we were rather despondent of success. We reported accordingly to His Excellency Lord Ronaldshay. The Governor immediately ordered a cut all round, and in November, 1921, so far as I can remember, we were able to make compulsory cuts amounting to something like Rs. 89 lakhs, and Lord Ronaldshay himself announced that in the Council Chamber. We were not satisfied with that, however, and we brought forward the taxation bills in 1922, by which we hoped to increase our revenue by one crore and forty lakhs of rupees. Owing to various circumstances, such as trade depression and others, our hopes were falsified. This Council passed those bills. Even then we saw that we could not make ends meet. Government again considered the position and ordered a ten per cent. cut all round. That was done in the autumn of 1922. I am not quite sure about the figure, but I think that cut came to somewhere near Rs. 70 lakhs. Meanwhile, the Retrenchment Committee was appointed in Lord Lytton's time. That Committee sat and made certain recommendations. These two cuts that I have just mentioned anticipated their recommendations to a considerable extent. Then when their report was submitted to Government, I can assure you, Sir, and through you the members of this House, that we took up every paragraph of the report, studied it carefully, and the final conclusions come to by the Finance Department were submitted on each separate recommendation to the Government as a whole, and Government as a whole had to come to a decision. Now, Babu Kishori Mohan Chaudhuri said that a copy of that report together with a statement of the action taken by Government thereon should have been sent to every member of this House. That is exactly what Government did. Government supplied a copy to every member of this House, and another pamphlet, I think it was called the Red Pamphlet, containing the detailed conclusions come to by Government, was also circulated to the members. I do not think any one can say that Government did not keep the members informed of the different developments. Dr. Sen Gupta in the course of his remarks, said that it was up to me to induce my colleagues and the Hon'ble Ministers to restrict their expenditure as much as possible. I can again assure the members of this House through you, Sir, that that point is always carefully considered. This volume that I have here with me contains all the schedules of the several

departments, schedules approved by the Finance Department but which it was found impossible to give effect to. I have shown this book already to Mr. Basu, and I am prepared to show it to him again. It contains the proposals for extra establishment of practically every department of Government, all complaining of over-work and under-staffing. Practically, every one of these demands has been refused, and I know that certain departments—I think the Land Revenue Department is one of them—have had big schemes for extra establishment in view and have given up spending any more time on working them up, because they know perfectly well that it is no use putting in a schedule. In the present budget, on the reserved side, Government have admitted very few items of extra establishment. One is the establishment in connection with the Sundarbans Forest Division. They have also sanctioned a few clerks in the Wards Branch of the Board of Revenue office, because more estates have been taken in, and the work is more than the present establishment can deal with.

6 p.m.

It is to be remembered, however, that all this extra expense will be paid for by the estates under the general rate. No expense falls on Government. An additional staff and an increase of pay have been sanctioned in connection with the Borstal Institution; this is in accordance with the Act. As the number of inmates goes up, the staff has to go up also. There is also an increase in the number of female warders in the Central Jails at Dacca and Midnapore and in certain District Jails. There is some additional staff in the Motor Vehicles Department which will be more than paid for by the increase in receipts. The Bengal Government's share on account of an additional Marine Surveyor and his staff will be paid for by the increase in fees. These are the only increases in establishment in next year's budget.

Mr. Basu finally recommends that we should take into consideration the recasting of the administration with a view to cutting down expenditure on establishment and thereby getting more money. I suggest that it would be quite useless for us at the present moment to go into this question until we see what the Statutory Commission is going to recommend. That Commission may recommend a complete change in the whole Secretariat system. It may recommend the abolition of Members altogether, it may say that Commerce should be joined with Industries, and Marine to go to the Government of India. It may recommend putting all the High Courts directly under the Government of India. How can we recast our administration until we know the recommendations of this Commission? I therefore suggest to the mover of the motion that he should leave the matter over until we know what the recommendations of the Statutory Commission are.

The motion of Babu Jatindra Nath Basu was then put and lost.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 49,000 under the head '22H.—Civil Secretariat—Transferred—Education Department—Pay of clerks' be reduced by Rs. 1,500."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 63,000 under the head '22H.—Civil Secretariat—Transferred—Education Department' be reduced by Rs. 100 (to draw attention to the failure of the Education Department to reorganise the superior educational services in Bengal)."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 71,300 under the head '22H.—Civil Secretariat—Transferred—Local Self-Government Department—Pay of clerks' be reduced by Rs. 1,300."

Mr. B. C. CHATTERJEE: Mr. President, Sir, since sending notice of this motion I had a conversation with the Chairman of the Jessore District Board and we agreed to sit round the table and discuss this matter. In view of this fact I do not wish to move the motion standing in my name.

The following motion was therefore not moved:—

"That the demand of Rs. 88,000 under the head '22H.—Civil Secretariat—Local Self-Government Department' be reduced by Rs. 100 (to draw the attention to the unsatisfactory condition of the management of the Jessore District Board)."

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 53,000 under the head '22H.—Civil Secretariat—Transferred—Agriculture and Industries Department—Pay of clerks' be reduced by Rs. 7,000."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 14,000 under the head '22H.—Civil Secretariat—Transferred—Allowances, Honoraria, etc.' be reduced by Re. 1 (to criticise the policy followed in accommodating clerks sent to Darjeeling in Government quarters and elsewhere)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 81,000 under the head '22I.—Board of Revenue' be reduced by Rs. 100 (to criticise the policy followed in appointing managers of estates under the Court of Wards)."

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 2,88,000 under the head '22K.—Commissioners' be refused."

Babu SATYENDRA NATH ROY: "That the demand of Rs. 2,88,000 under the head '22K.—Commissioners' be reduced by Rs. 36,000."

Maulvi ABDUL KARIM: "That the demand of Rs. 2,88,000 under the head '22K.—Commissioners' be reduced by Re. 1 (to draw attention to the report of the Retrenchment Committee in which they recommended the abolition of the post of Divisional Commissioners)."

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 31,00,000, under the head "22L.—District Administration—Pay of officers" be reduced by Rs. 1,00,000.

Sir, the expenditure under this head can be greatly reduced by substitution of subordinate service officers for provincial service officers and this had been recommended long by the Retrenchment Committee of 1924, but up till now nothing has been done by the Government to give effect to the said recommendation. Sub-deputy magistrates practically do the same thing as the deputy magistrates do so we can get the same work done by the deputy magistrates at a reduced expenditure. Moreover, we know that in most of the districts experienced deputy magistrates can well manage as acting district magistrates the same work done by the I. C. S. district magistrates and hence if the senior deputy magistrates are allowed to manage the administration of districts the heavy expenditure under this head will be reduced to a great extent. There are many small districts in Bengal, and if two small districts are amalgamated into one there would be good deal of saving under this head. The expenditure can be further reduced if the number of honorary magistrates is increased and if they are given sufficient powers as are given to deputy magistrates and sub-deputy magistrates. Thorough establishment of village self-government of an improved scale will also save the people from paying heavy expenditure under this head. It is a pity that the Government does neither pay any heed to the retrenchment committees nor to the representations by the people. With these few words I move that the demand be reduced by Rs. 1,00,000 only.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 12,94,000 under the head "22L.—General Administration—Pay of clerks" be reduced by Re. 1 (to criticise the policy followed in recruitment of clerks).

Sir, the question of giving the different communities their proper share of representation in the public services of the country has a good deal of opprobrium attached to it on account of the fact that a section of our countrymen has been incessantly decrying the policy of recognising communal claims in this matter. It is gratifying to note, however, that in spite of such protests which are made very often by interested persons, Government has recognised the necessity of appointing a fair number of persons from each community to the public services.

It was very refreshing to note that only the other day in answer to a question the Hon'ble Mr. Moberly stated that so far as the backward and depressed communities are concerned their claims are now being carefully examined by the Government. It is only hoped that Government will come to a satisfactory conclusion and the backward and depressed classes will be given their due. Now, Sir, I intend to refer to the policy followed by Government in appointing Muhammadans to the ministerial offices. That policy is embodied in a Government circular, which says that the minimum of 33 per cent. of the appointments should be given to Muhammadans, provided, of course, qualified candidates are available. That circular served its purpose well so long as the number of Muhammadans was below 33 per cent. in the ministerial service, but since in most of the districts the proportion has come up to 33 per cent., the circular is being misinterpreted. The circular says that the minimum number of Muhammadans is to be 33 per cent., but in actual practice it is interpreted that 33 per cent. should be the maximum. Therefore, as soon as the percentage of 33 is reached, very little attention is paid to the claims of the Muhammadan community. It was never the intention of the circular that the percentage of Muhammadans should not exceed 33. Therefore, it seems to be high time that the circular should be revised.

There is another reason why I think that the circular should be revised. The Muhammadan community has made great strides in education since that circular was issued, and qualified Muhammadan candidates are more available now than at the time when the circular was issued. We have seen that in administrative appointments Government has decided upon a policy of giving 45 per cent. of the appointments to Muhammadans. We all know that administrative appointments require far higher qualifications than the ministerial appointments. Therefore, if in the administrative service Muhammadans can be given 45 per cent. of the appointments, there is no reason why only 33 per cent. should be reserved for Muhammadans in the ministerial service. The circular is not properly interpreted. Because there is that words "33 per cent.," in the circular it is interpreted that that is the number to which Muhammadans are entitled, and that is the reason why in most of the districts the number of Muhammadan clerks is not much above 33 per cent. Therefore, I think Government should revise its policy and should see that the Muhammadans do actually get their proper share. I would also request the Hon'ble Member in charge to issue a fresh circular on the subject.

[At 6-15 p.m., the Council was adjourned for prayer and it reassembled at 6-25 p.m.]

The Hon'ble Mr. A. N. MOBERLY: These two motions, Sir, come somewhere between my hon'ble colleague, Sir Provash Chunder Mitter,

and myself. I propose to say a little on the subject and I have no doubt that he will cross the t's and dot the i's where necessary. The first proposal is that the demand of Rs. 31,00,000, pay of officers, that is to say of officers of the Bengal Civil Service (Executive) who hold listed posts, and of deputy and sub-deputy collectors, be reduced by Rs. 1 lakh. As far as I could follow the mover's argument, it was roughly this: deputy magistrates do the same work as officers of the Indian Civil Service: therefore the officers of the I.C.S. should be superseded by deputy magistrates. Sub-deputy magistrates do the same work as deputy magistrates: therefore deputy magistrates should be superseded by sub-deputy magistrates; honorary magistrates do the same work as any other magistrate; therefore the stipendiary magistrates should be superseded by honorary magistrates. In other words, honorary magistrates should do all the work of the administration; and Government will have to pay nothing at all. That is an attractive proposition, but I am afraid it is not practical. At any rate, even if it were practical, I do not think we could give effect to it during the financial year 1930-31, so as to save a lakh of rupees. As a matter of fact, from year to year, it will be found that more and more deputy magistrates are placed in charge of districts. The question of sub-deputy magistrates doing the work of deputy magistrates has been very carefully considered. A committee sat in 1925, which was presided over by Sir James Donald, of which members of the Bengal Civil Service and of the Bengal Junior Civil Service were members. The committee reported on the matter and the report was very carefully considered by Government and the decision which was eventually arrived at after much discussion was that the present system should continue.

I will now pass from that subject to the question of Muhammadans. The question of the proportion of posts to be held by Muhammadans was settled also in 1925, and a circular was issued. It is now suggested that the circular should be revised as regards Muhammadan ministerial officers in district offices, that is to say, in collectorates; but this is a part of a much larger question. The question of the proportion of Muhammadans has to be considered in every department and if a change is made in one department it may have to be made in all the others.

As regards the particular case of Muhammadan ministerial officers in district offices and collectorates, orders were issued to commissioners that at the time of their inspections they should pay special attention to the question as to how far the circular was being carried out, and what should be done to ensure that the proportion came to 33⅓ per cent. I was myself a Commissioner at the time, and during my inspections I did go very carefully into the question in the districts in my division. We get reports from the commissioners and we pay great attention to the carrying out of the instructions of the circular. We find that there has been a steady improvement since then. I may

inform the members of this Council that in most districts the percentage of 33⅓ has been more or less worked up to. There is no reason whatever why when there are more qualified Muhammadan candidates than will give the percentage of 33⅓, they should not be appointed. The members of this House will remember that in one division in which the proportion of the Muhammadan population is very high, the Commissioner has been making efforts to impress upon the district officers that, where the number of qualified Muhammadans is much more than 33⅓ per cent., more appointments should be given to them. Judging from the questions which have been put on the subject, I am not quite sure that his action commended itself to all sections of the House.

The first is not a token cut, but I think I have disposed of it. The second is a token cut of Re. 1, moved with a view to criticise the policy of Government in this matter. I think, Sir, that the explanation I have given will commend itself to the House and will be generally accepted.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, my task is comparatively simple after my hon'ble colleague has dealt with the general question. As regards Dr. Amulya Ratan Ghose's cut of Rs. 1 lakh, I may say that in the Revenue Department we have to deal with matters like *tauzi*, partition, cess revaluation, settlement and record-of-rights and so on. When we see that the work can be done by a sub-deputy collector, the work is not done by a deputy collector and we always have a strict eye on economy. I can assure my hon'ble friends that no money is wasted and that if the cut of Rs. 1 lakh be passed, then the administration may come to a standstill. I do not think that it is necessary for me to emphasise any further points after what has been stated by the Hon'ble Mr. Moberly. The question of doing all the work in the Revenue Department by honorary workers does not arise and if honorary workers be willing to work perhaps those workers themselves would welcome honorary work as what they could perhaps make from honorary work may prove to be better than that from paid work. But what about the public with whom they will deal in revenue matters?

As regards Maulvi Tamizuddin Khan's amendment, the Hon'ble Mr. Moberly has dealt with it in detail and I may tell the mover that in our Board's Micellaneous Rules, we have a special rule, in which the specific attention of officers is drawn to the decision of Government on this matter. As the Hon'ble Mr. Moberly has explained, great attention is paid to that rule by officers and it is seen whether officers in dealing with these matters act according to the orders of Government. In the Revenue Department we have not got anything to do particularly with the question of policy. Government come to a certain decision and we always follow that decision.

The following motions were then put and lost:—

"That the demand of Rs. 31,00,000 under the head '22L.—District Administration—Pay of Officers' be reduced by Rs. 1,00,000."

"That the demand of Rs. 12,94,000 under the head '22L.—General Administration—Pay of clerks' be reduced by Re. 1 (to criticise the policy followed in recruitment of clerks)."

Mr. PRESIDENT: I will have one discussion on items 178 and 179.

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 3,80,000 under the head '22L.—General Establishment—Travelling Allowance' be refused."

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 3,80,000 under the head "22L.—General Establishment—Travelling Allowances" be reduced by Rs. 10,000.

Sir, in moving this cut I beg to draw the attention of the hon'ble members of this House to the fact that these travelling allowances occupy over a crore of rupees out of 11 crores or so of the budget estimates. These travelling allowances, contingencies and such things are growing up year after year. As regards these travelling allowances and contingencies, it was mentioned in the Retrenchment Committee's report that these travelling allowances should be retrenched as far as possible. It was in answer to a question put about the year 1924, that a reply was given that as the railway fares were enhanced these travelling allowances had gone up. But the railway fares have come down now and are considerably less than what they were in previous years. But the estimates have not come down, rather they are on the increase. Sir, these travelling allowances for the highly paid officers can be ill-afforded by the poverty-stricken people of Bengal. They are drawing fat salaries and at the same time they demand big allowances for travelling. Since railway fares have come down considerably officers for whom these travelling allowances are going to be sanctioned are quite able to pay their own travelling allowances. I do not know nor can I understand, why such a big estimate should be sanctioned for them. I have, therefore, suggested a cut of Rs. 10,000, a very paltry amount in comparison with the sum of Rs. 3,80,000 asked for. If this sum is reduced I think it will not materially affect those for whom these allowances are going to be provided. On the contrary this sum will be of immense service to the welfare of the people of Bengal. This cut of Rs. 10,000 and another cut of Rs. 5,000 under different

heads, if accumulated, together will make a big sum and can be utilised for a very good purpose. Sir, our country is suffering from poverty, from famine. Only yesterday we heard how much we require irrigation and how much for want of proper irrigation work agriculture is suffering. Districts and villages remain water-logged; public health cannot be looked after and in face of this you are going to grant travelling allowances for all kinds of business necessary and unnecessary, as well as on contingencies; on this establishment and that and for thousand kinds of establishment under Government. This sort of thing we cannot recommend and therefore I have moved for a cut of Rs. 10,000. I think, Sir, it is a very small cut and the Hon'ble Member in charge of this department will do well to show a good spirit to the people by accepting this cut.

The Hon'ble Sir PROVASH CHUNDER MITTER: If it were a question of showing a good spirit to the people I would have gladly accepted this motion but perhaps my friend Dr. Ghose who is new to his work does not realise that instead of showing good spirit to the people it will be rather bad for them and for these reasons: We pay very much more than Rs. 3,80,000 in salary for officers. If these officers do not inspect their subordinate offices it is at any rate likely that the subordinate officers will do their work less efficiently. So that the expenditure paid in salaries will not be properly utilised for the good of the country.

Then Dr. Ghose made the astounding statement that travelling allowance covers a crore of rupees and I hope I did not make any mistake in hearing him. If he thinks so he is under a delusion; it must be a very serious delusion indeed.

Dr. AMULYA RATAN GHOSE: On a point of information. I meant travelling allowance plus contingencies.

The Hon'ble Sir PROVASH CHUNDER MITTER: Even then I think it must be very much less but the difficulty arises in dealing with a cut like this when the hon'ble member travels beyond the immediate cut. At page 105 I find that the demand is Rs. 3,80,000 and the cut is for Rs. 10,000. If he had given us the slightest notice of his intention of travelling beyond the immediate point I could have collected all the figures. I was just going through the figures of the various departments and I find that the total travelling allowance will not perhaps be more than Rs. 18 or 20 lakhs for the various departments—nothing like one crore. I doubt very much if contingencies will swallow up anything like Rs. 80 lakhs. The travelling allowance is budgeted with care and Dr. Ghose is not right in saying that as railway fares have gone down we ought to reduce the travelling allowance because the officers get 1 3/5th of the actual railway fare and so;

if the railway fare goes down the travelling allowance automatically becomes less. Whatever we pay we pay on the actual railway fare and Government have framed rules on the subject on that basis. If instead of moving this cut in this House he would have come over to my office or to the Finance Department then certainly he could have got more definite and specific figures. The House will see that the actuals of 1928-29, were Rs. 3,74,359 and the figure for this year has been raised to Rs. 3,80,000, and I am sure that if after this information this demand is cut by Rs. 5 or 10,000 the administration will not go to pieces but the work costing about a crore of rupees or more in salaries will be badly done. I hope that in view of the explanation given by me the member will withdraw his motion.

The motion of Dr. Amulya Ratan Ghose was then, by leave of the Council, withdrawn.

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 60,000 under the head '22L.—General Establishment—House rent and other allowances' be refused."

Mr. A. K. FAZL-UL HUQ: I beg to move that the demand for Rs. 2,06,000 under the head "22L.—General Establishment—Remuneration to copyists" be reduced by Re. 1 (to draw attention to the desirability of placing the remuneration to copyists on a fixed salary basis).

I wish to say just a few words in bringing this motion before the House. For years past a sort of agitation was going on amongst the copyists of Bengal to draw attention to the fact that there is a widespread desire on their part that their remuneration should be placed on a salaried basis. The question of economy has been considered and as far as I am aware it has been found from the point of view of economy that it would be more desirable that these copyists, instead of being paid at the rate of the work done, should be placed on the salaried basis. This question has been discussed over and over again in this very Council and arguments for and against it are well known and I do not wish to waste the time of the Council by going over them over again. I simply put the motion before the House to raise a question and to see if Government will be prepared at this stage to reconsider their decision and place these copyists on a salaried basis.

The Hon'ble Sir PROVASH CHUNDER MITTER: From the point of view of expenditure this point is of greater importance to the Judicial than to the Revenue Department and as a cut in the Revenue Department has come first I will deal with it. So far as I remember, recently we decided to examine the proposal about improvement of the remuneration of the copyists but we do not propose to give them a

fixed salary: I am sure hon'ble members will realise that if we give them a fixed salary for job work we will get less work from them but if we give them remuneration for the work they do, if a man is industrious he will earn more.

The main proposal is that there should be a fixed pay. To that we are definitely opposed but we are considering the question of raising their remuneration.

The hon'ble members should remember that they have a provident fund also.

With these observations I beg to oppose the motion.

Mr. A. K. FAZL-UL HUQ: In view of the remarks made by the Hon'ble Member I am prepared to give Government further time to reconsider the question of increasing the remuneration of the copyists and I ask leave of the House to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

The following motion was called, but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 4,00,000 under the head '22L.—General Establishment—Landlords' fee—Establishment' be refused."

Mr. SHANTI SHEKHARESWAR ROY: I beg to move that the demand of Rs. 1,39,000 under the head "22O.—Discretionary grants by heads of Provinces, etc." be reduced by Re. 1.

At the outset I should state that I do not bring forward this motion to show any disrespect to His Excellency or to cast any reflection whatsoever on the administration of the fund placed at the disposal of His Excellency. My intention is simply to draw the attention of the House and also emphasise the principle rather than mere details. What is the principle on which we make grants? Is our duty finished when we vote a certain sum for a particular department? I think we are expected to scrutinise expenditure and if we find that a sum that we have voted under a particular head is misspent we are entitled to bring the matter to the notice of the Council and in case of grave mismanagement to bring a vote of censure. What is our position in regard to this grant? Under this head there is an item of Rs. 40,000 allotted to His Excellency the Governor. Are we entitled to criticise how His Excellency spends this sum? Are we even entitled to discuss His Excellency's actions in this matter?

Mr. PRESIDENT: Order, order, you are not allowed to do that.

Mr. SHANTI SHEKHARESWAR ROY: Yes, that is the position. And if that is the position why are we expected to share the responsibility in connection with this grant? Why do you not make it non-votable so that our responsibility may cease, and His Excellency may spend the money in any way, this being no concern of ours?

Mr. PRESIDENT: Order, order. I must stop you, but I may point out to you that you have not taken a correct view of the real position. You may always discuss the merits or demerits of a particular grant, but you cannot introduce in that fashion the name of His Excellency the Governor into the debate.

Mr. SHANTI SHEKHARESWAR ROY: My comment is this: After all Governors are human beings, and I hope you will concede that———.

Mr. PRESIDENT: Order, order. The member must obey the Chair or resume his seat. His remarks have nothing to do with the motion before the House.

The time limit fixed for this demand has been reached and I must put all the necessary motions forthwith.

The motion of Mr. Shanti Shekhareswar Roy was then put and lost.

The motion that a sum of Rs. 1,03,84,000, as amended by the Council, be granted for expenditure under the head "22.—General Administration," was then put and agreed to.

The time-limit under the head "22.—General Administration" having been expired the following motions were not put:—

Maulvi ABDUL KARIM: "That the demand of Rs. 1,03,84,000 under the head '22.—General Administration' be reduced by Rs. 5 (to discuss the top-heavy administration)."

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 1,03,84,000 under the head '22.—General Administration' be reduced by Re. 1 (to draw attention to the popular complaint that the present top-heavy administration is too costly to be borne by the straitened finances of the province)."

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 1,03,84,000 under the head '22.—General Administration' be reduced by Re. 1 (general policy with reference to backward classes)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 1,03,84,000 under the head '22.—General Administration' be reduced by Re. 1."

Mr. PRESIDENT: As His Excellency the Governor is going to address the Council to-morrow, members are requested to be at their seats 5 minutes before time.

Adjournment.

The Council was then adjourned till 10-30 a.m., on Saturday, the 22nd March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Saturday, the 22nd March, 1930, at 10-30 a.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

Mr. PRESIDENT: Gentlemen of the Council, I am very sorry that I have to announce to you that His Excellency is unable to come and address you this morning. His Excellency very kindly sent for me and I had a talk with him on the subject. In the course of that conversation His Excellency repeatedly asked me to tell you how very sorry he himself was for not being able to come. At present he is not in a position to make the statement he wanted to make. He will, however, address you either on Monday at 5-30 p.m., or on Tuesday at 3 p.m.

DEMANDS FOR GRANTS.

24.—Administration of Justice.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 86,68,000 be granted for expenditure under the head "24.—Administration of Justice."

Mr. A. K. FAZL-UL HUQ: I beg to move that the demand for Rs. 12,000 under the head "24B.—Law officers—Pay of officers—Standing Counsel" be refused.

Sir, I may say at once to the Council that it is a purely economic cut. I have considered the position and in the view that I take of the matter I am convinced that it is possible to have the work done, which is now ordinarily being done by the Standing Counsel, at a less annual expenditure than Rs. 12,000. As the Council is perhaps aware, the Standing Counsel is required to conduct prosecutions in the court of sessions in the Original Side of the High Court and most of these prosecutions are of a very ordinary character. I am sure Counsel may be willing to

accept brief for the prosecution on behalf of the Crown for a lower remuneration than what the Standing Counsel generally wants to have. In these circumstances, I would request Government to try the experiment and see if this work cannot be done more economically by engaging counsel as occasion arises instead of having the Standing Counsel on a salary of Rs. 1,000 a month for the purpose. The Council is also aware that there is a superfluity of law officers in the High Court. There is, in the first place, the Advocate General who gets a fee of Rs. 3,000 a month, plus something extra when he is engaged generally to appear on behalf of the Crown in what are generally called political prosecutions. But, ordinarily, although he gets Rs. 3,000 a month, he is left free to fill his pocket by accepting private cases. Any one who pays a casual visit to the High Court will find that the Advocate General spends very nearly the whole of his time in attending to his own private cases. Then there is the Standing Counsel, the Government Advocate, the Deputy Legal Remembrancer and so forth. The amount of work that is done in the High Court by these officers is not of such a magnitude as to require the paid services of so many law officers. I am therefore proposing to the Council that this amount should be refused and that Government be empowered in some way which I need not suggest at the present moment—it is a matter of adjustment of accounts under the same major head—to carry on the work by occasional payments to such lawyers as may be engaged to do this work.

With these words, I commend this motion to the consideration of the House.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. M. C. Ghosh): Sir, I may be permitted to state that the hon'ble gentleman who has moved this motion thinks that we can save some money by abolishing the post of the Standing Counsel. I will first state the duties of the Advocate General and of the Standing Counsel. The Advocate General is the principal law officer of the Government of Bengal as well as of the Government of India. His duties are to conduct without fees, for the salary of Rs. 36,000 a year which he gets, all original suits which are conducted or defended by the Government of Bengal or the Government of India in the High Court. In all these cases the Standing Counsel, without any fee, acts as his junior; as the Advocate General is by virtue of his office a King's counsel, he may not appear without a junior in the High Court and the Standing Counsel is his permanent junior. I may say that this portion of their work is by no means small. The Standing Counsel in addition to this conducts all murder cases in the High Court Sessions; in addition he conducts all important cases in the High Court which the Local Government may require him to do. The hon'ble mover, however, thinks that we may get this work done at a less cost. I may give only one instance. A few

months ago a certain Chartered Accountant was prosecuted for falsifying certain accounts and in this prosecution the Standing Counsel worked for about one month without any fees. Any private lawyer whom I might have employed in this case could not have been obtained at less than 20 gold mohurs a day. If a calculation be made my any hon'ble member, he may find how we could have saved money thereby.

Then, it is said that there is a superfluity of law officers. It is true that we have the Advocte General as our senior law officer and the Standing Counsel as his junior. Then we have the Government Counsel to conduct smaller cases. This appointment was made a few years ago on the ground of economy, as it was found that by employing particular counsel for particular cases Government had to spend a good deal more than by appointing one Government Counsel at a fixed salary.

Then, the hon'ble mover spoke about the Deputy Legal Remembrancer. He does not work on the Original Side. His work is entirely on the Appellate Criminal Side of the High Court. He has to work every day for many hours on the Appellate Side and his work is so heavy that frequently he has to employ other lawyers, with my sanction, to help him in his work. I do not think, Sir, that any economy would be effected by abolishing the post of the Standing Counsel.

Mr. E. C. ORMOND: I rise on a point of order. Am I right in saying that as this is a reserved subject, the motion which suggests that this House shall refuse the grant is out of order?

Mr. PRESIDENT: I think Mr. Ormond is not right.

The motion of Mr. A. K. Fazl-ul Huq was then put and lost.

Mr. A. K. FAZL-UL HUQ: I beg to move that the demand for Rs. 42,000 under the head "24B.—English Law Officers—Pay of officers—Solicitor to Government" be refused.

This motion is in principle very similar to the one which I have just moved. I may point out to my friend, Mr. Ormond, on the opposite bench that so far as this budget is concerned, even in matters relating to reserved subjects————

Mr. PRESIDENT: You need not go into that. I have already ruled him to be out of order. His mistake was so apparent that no explanation was necessary for its correction. In the very face of it Mr. Ormond's point of order was not maintainable. He was, perhaps, thinking of section 72D (*3*) but that does not apply in this case. On the other hand, it is not the whole demand but an item of a demand which the motion attacks.

Mr. A. K. FAZL-UL HUQ: Sir, as regards the Government Solicitor, I know that Government has got a large volume of business to transact in the High Court and connected courts. But my point is that this work can also be done more economically than by paying such a high salary to a particular solicitor. I have consulted several of my friends, who are practising attorneys, and they are of opinion that the salary that is paid is much too extravagant for the work that is done. I would therefore ask Government to consider and try the experiment of having occasional work done by requisitioning the services of persons who have no permanent employment and then compare it. The amount that would be spent in this way would be much less than the high rate of salary which is paid to a particular firm of solicitors. It may appear that these two small cuts are insignificant in themselves. But I propose the principle because it is by saving money in small matters that you ultimately save a large sum. I am sure the Council will agree with me that we should co-operate and do our best in trying to minimise expenditure. I am therefore suggesting to the Government all possible means of economy. It is only for the purpose of emphasising certain matters that I have put these two motions before the House. I maintain, Sir, that whatever may have been the case as regards the Standing Counsel, the case of the Government Solicitor is much worse. I would again request Government if they would not try the experiment I suggest of not having a paid solicitor but doing occasional work by payment.

Mr. M. C. GHOSH: I entirely agree with the principle enunciated by the hon'ble mover that we should do our best to ensure economy in paying our law officers. But I am afraid he is mistaken in thinking that if we abolish this post for which we pay Rs. 3,500 a month and engage a solicitor as occasion requires our cost will be much less. I may say that the Government Solicitor gets a salary of Rs. 3,500 a month and a portion of that salary is paid by the Government of India and a small portion is paid by the Assam Government for their work in the Original Side of High Court. The Government Solicitor conducts the entire civil legal business of the Government of Bengal, of the Assam Government and of the Government of India on the Original Side of our High Court. He advises on all criminal work of the departments of the Government of India located in Calcutta, for which a portion of his salary is paid by them. He advises the Government of Bengal in all cases connected with conveyances and leases of a complicated character referred to him by the Legal Remembrancer of Bengal as also by the Legal Remembrancers of Behar and Orissa and Assam. This advisory work is going on continuously. I can assure my friends that as Legal Remembrancer I have occasion to consult the Government Solicitor frequently. If instead of getting this work done by him free, I have to consult another solicitor and pay him, the cost will exceed

the salary which is paid to the Government Solicitor. Therefore on the ground of economy we are doing better by paying Rs. 3,500 a month to the Government Solicitor than by getting the work done by lawyers as occasion arises.

The motion of Mr. A. K. Fazl-ul Huq was then put and lost.

Mr. A. K. FAZL-UL HUQ: I beg to move that the demand for Rs. 70,000, under the head "24B.—Law officers—Legal Remembrancer —Fees to Pleaders" be refused.

Sir, in this case I have been induced to bring forward this motion in view of the fact that although there is this demand, sufficient information has not been given to us why this item is required and for what purpose. Under the head "Payment for advice to law officers" we find there are various items and there is no sufficient explanation why this demand has been made. It is more for the purpose of eliciting information than for the purpose of taking objection to payment under a particular head that I have submitted this motion. I hope there will be some explanation forthcoming so far as this item is concerned.

Mr. M. C. GHOSH: Sir, this item of Rs. 70,000—Fees to Pleaders —as my hon'ble friend will see is part of two portions of fees paid to pleaders. This portion relates to Government officers. By Government officers we mean those lawyers who get a retainer from us. This portion of fees is paid to the High Court lawyers, viz., the Advocate General, the Standing Counsel, the Government Counsel, the Public Prosecutor of the Police Court and the Government Solicitor. These are all part-time officers of Government, that is to say, there are certain stated duties which they do without any fee; but if they are asked to do extra work, they are entitled to a scale of fees. For instance, the Advocate General conducts all cases on the Original Side without any fee, but when in certain big cases we require his services in the Appellate Side we have to pay him. In this connection I may state that our Advocate General works for us, when we employ him, at 30 gold mohurs per diem, whereas Mr. Sircar, the present Advocate General, charges private parties even 60 gold mohurs per diem. My friend will see how by paying a fixed salary to eminent lawyers we save money to Government. This amount of Rs. 70,000 is meant for extra payments made for extra work to the Advocate General, the Standing Counsel, the Government Counsel and the Public Prosecutor of the Police Court—the latter gets extra payment for doing work under the Indian Companies Act. The Government Solicitor gets extra payment for defending Calcutta Police officers when people bring civil action against them on the Original Side. This sum of Rs. 70,000 has been allotted under this head for the payments I have mentioned, though I may assure my friend that I have been trying to save as much public money as is possible under this head.

Mr. NARENDRA KUMAR BASU: In the column below the item "Fees to Pleaders—Rs. 70,000" there is an item of Rs. 12,000 for fees to pleaders (other than Government servants). Then I find there is a next item "Rs. 45,000—Charges for conducting law suits." May I enquire of Mr. Ghosh what these charges mean?

Mr. M. C. GHOSH: This item of Rs. 12,000, as I was saying, is paid to lawyers whenever we employ them in the High Court and these are lawyers other than those who get a retainer from us. For instance, if I had to engage my hon'ble friend Mr. Basu in a certain appeal, I would pay him out of this sum of Rs. 12,000. Our work often becomes so great that we are compelled to employ outside lawyers and this sum is by no means excessive for the purpose.

As for the item "Charges for conducting law suits—Rs. 45,000," it is not for payment to lawyers but it is for stamps, paper-books and other legal costs.

The motion of Mr. A. K. Fazl-ul Huq was then put and lost.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 2,32,000 under the head "24B.—Legal Remembrancer" be reduced by Rs. 21,500. I find Rs. 2,72,000 estimated for next year as against Rs. 2,50,000 this year, and in my opinion, this increase of about Rs. 21,500 should be refused.

I move this for two reasons, first again to record our protest against the growing expenditure for political prosecutions, and secondly to protest against the futile policy behind them, and to suggest a remedy.

As regards the first point, I need only recall the eloquent words of my esteemed friend Mr. N. K. Basu yesterday in this House. As he so truly pointed out, such trivial prosecutions defeat their own object first by giving a far wider publicity than what the offending article deserves, and secondly by giving the accused an opportunity of becoming cheap martyrs. I will not dwell on this further.

My only excuse in bringing forward the motion is that it affords me an opportunity of speaking on the second point—to point out the futility of the policy and to suggest a remedy. I want the Government to look at the matter from another and a new point of view. Why do respectable well-educated people talk or write what the Government regards as sedition? What is the spirit animating them? Is it not a deep love for the country and a growing sense of despair? Is it not a burning desire to raise their country? How can the Government stop this by prosecution? Do they hope to keep back the rising tide of nationalism with a mop? Have they succeeded in their efforts? I say emphatically "No," if success is to be judged by the growing number of sedition cases. No, Sir, Government will never succeed in choking the spirit of freedom, for "we go marching on."

That being so, what is the remedy? I, as a friend of Government, and one deeply interested in promoting the peace and prosperity of my country, venture to suggest a more effective remedy. Why not, instead of suppressing sedition, go to the root cause that leads to sedition and remedy this? Why not, as a change, try the spirit of love? Why not let the people feel that the Government is their friend, their ally in their efforts to raise India to the forefront? Why not call him who has allowed his tongue (or his pen) to run away with him, and say "Brother, you and I both love India and want to do our best to help her"————

Mr. PRESIDENT: Mr. Bose, do you want the Legal Remembrancer to say that? (Laughter.)

Mr. S. M. BOSE: No, Sir, I want the Hon'ble Member to say that.

"Brother, you preach a Gospel of Despair; you see only the dark clouds. But *look*, behind the clouds, the sun is still shining. The outlook is bright, let us both together preach the Gospel of Hope, the Gospel of Love."

Sir, I believe with all my heart and soul that force is no remedy. I believe what that great Oxford philosopher T. H. Green laid down "WILL and not Force is the basis of the State." Yes, the State is based on the good-will of the people, and the sooner the Government recognises this, the better for all of us.

Sir, before concluding, I crave leave to quote some apposite remarks made by that great lover of India, Gokhale. Twenty-two years ago, in a famous Budget speech Gokhale said this:—

"My Lord, the Government will no doubt put down, indeed it must put down, all disorder with a firm hand. But what the situation really requires is not a *policeman's* baton or a *soldier's* bayonet, but the *statesman's* insight, wisdom and courage. The people must be enabled to feel that their interests are, if not the *only* consideration, at any rate the *main* consideration that weighs with Government and this can only be brought about by a radical change in the spirit of administration. Whatever reforms are taken in hand, let them be dealt with frankly and generously. And, let not the words TOO LATE be written on every one of them. For while the Government stands considering—hesitating, receding, debating within itself 'to grant or not to grant, that is the question' —opportunities rush past it, which can never be recalled. And the moving finger writes, and having writ, moves on."

11 a.m.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir, under rules 239 and 240, page 287, of the Legislative Manual, these motions cannot be discussed, as a similar question has already been decided.

Mr. PRESIDENT: By what motion?

Dr. NARESH CHANDRA SEN GUPTA: By motion No. 160.

Mr. S. M. BOSE: Sir, ought not this objection to have been taken beforehand?

Mr. PRESIDENT: A point of order can be raised at any time. Motion No. 160 was for drawing attention to popular discontent in the matter of prosecutions for trivial political offences. The present motion proposes a substantial economic cut and its fate cannot be governed by that for a token cut. I may, however, say that Mr. Bose has, in fact, preached two sermons, one religious and another political, both were out of place. (Laughter.)

Mr. P. N. GUHA: Sir, I beg to move that the demand of Rs. 2,32,000 under the head "24B.—Law Officers—Legal Remembrancer," be reduced by Rs. 100 (to raise a discussion about the payment of fees to the Pleaders).

My object in tabling this motion is to draw the attention of the Government and the House to the disproportionate growth in expenditure in the shape of the pleaders' fees. I am not going to tell anything with regard to the duties of the Government about the prosecutions they launch in, but what I want to tell them is that they are spending much more money than what is necessary and that in a manner which requires reconsideration.

Sir, every district has a Government Pleader to attend to the civil cases and a Public Prosecutor to attend to the criminal cases of the Government. It is evident that these two gentlemen are unable to cope with the work and it is for that reason that in every district other pleaders are engaged by the Government to do work on their behalf. There is a panel in every district and the pleaders whose names are included in it are selected by the Legal Remembrancer with the help of the District Magistrate. There are 3 to 10 pleaders in the panel of a district, but in some heavy district so many as 30 pleaders find places in a panel. The scale of fees differs. The highest I am told is something like Rs. 50 and the lowest Rs. 16 a day. Sir, I feel that this method of engaging outside pleaders for the Government work should be changed. My friend, Mr. A. K. Fazl-ul Huq has rightly pointed out that the situation can be greatly improved and a lot of money can be saved if the Government appoint whole-time lawyers. Why should the Government Pleader or the Public Prosecutor be allowed to take private cases? I consider the whole system bad and there is much room for improvement.

Sir, in my younger days I have seen one Government Pleader managing the entire legal business of the Government in a district. It is evident that the volume of business has very considerably increased, for just half an hour ago the Government Pleader of Dacca told me that so many as three Sessions Courts were sitting at a time in his district off and on. One wonders if the criminal mentality of the people of the Province has developed with an alarming rapidity.

Sir, in old days the Court Sub-Inspectors used to conduct cases in lower courts. I do not know if the practice is in vogue even now. Some years back I heard that the Government were appointing some Law graduates as Court Inspectors. The object evidently was to economise the legal expense of the Government and the public hoped that a lot of money spent as pleaders' fees would be saved, but to our surprise we find the amount increasing year after year. The whole thing is managed from the office of the Legal Remembrancer and I hold that the enormous growth in the expenditure for the pleaders can be checked if efforts are made to exact the maximum work from the pleaders engaged by the Government. The expenditure is really out of all proportion and I have a shrewd suspicion that the office of my friend Mr. Ghosh is allowing the situation to drift to distribute patronage. Why not appoint whole-time lawyers in each district? Instead of having a panel of 20 men, have 4 or 5 whole-time pleaders, which is sure to ensure economy. I am sure that the Legal Remembrancer will be able to bring the expenditure down to a considerable extent if he tackles the question with a view to ensure economy.

Mr. M. C. GHOSH: With your permission, Sir, I would only reply to one point mentioned in the speech of Mr. Guha, viz., the panel system of pleaders in the districts. Now, Sir, in every district we have a Government Pleader whom we pay a retainer———

Mr. PRESIDENT: Are you making one speech on both the motions?

Mr. M. C. GHOSH: No, Sir, I am not replying to the general criticisms of Mr. S. M. Bose: I am only replying to the particular criticism of Mr. Guha with regard to the panel system.

The Hon'ble Mr. A. N. MOBERLY: Sir, I shall deal with Mr. S. M. Bose's argument, but this particular matter is strictly within the cognizance of the Legal Remembrancer, and so I have asked Mr. Ghosh to deal with it.

Mr. M. C. GHOSH: Now, the Government Pleader has no panel of pleaders to assist him. He deals with the civil work that arises in a

district. The Public Prosecutor gets a retainer for conducting sessions cases and criminal appeals. As my learned friend is aware, in the district of Barisal, where I was Sessions Judge for many years, there were three sessions courts continually sitting every Monday, and even with that the Jail Department complained that men were kept under trial for six months and over. Apparently, three courts were hardly sufficient there to deal with the volume of criminal work. On one occasion, when I was there, we had two Assistant Sessions Judges, in addition to the three District Judges. In the district of Mymensingh there are often five sessions courts continually trying cases. I have no personal knowledge of Dacca, but Rai Bahadur S. C. Ghosh will be able to enlighten us as to the congestion of criminal work in Dacca. Now, it is necessary, when men have been committed for trial in a court of sessions, that their cases should be tried quickly. They should not be kept for 6 months or a year in jail without trial. For this purpose, when criminal cases accumulate, extra courts are constituted for disposing of them. We are continually being asked to appoint more Additional District and Sessions Judges in several districts, so that they might deal with criminal cases. Our one Public Prosecutor cannot possibly conduct cases in different courts at the same time. Other lawyers are necessary to conduct cases. It is for this reason that in the heavy districts—not in all districts—such as Barisal, Mymensingh, the 24-Parganas, and Dacca, there is a small panel of suitable lawyers maintained by the District Magistrate. This panel is carefully constituted by the District Magistrate in consultation with the Sessions Judge. The list is then submitted through the Commissioner of the Division to the Legal Remembrancer, who when he finds the number to be excessive asks the local authorities to reduce the number. But a certain minimum number is necessary. These panel lawyers are not always employed: they are employed only when there is excessive work. So they take up private cases. When No. 1 in the panel is not available, No. 2 is engaged, and so on. For this reason, heavy districts like Barisal, Mymensingh and the 24-Parganas have a panel of 7 or 8 lawyers each. These men have to be frequently employed. The District Magistrate selects the proper men, so that when suddenly an extra lawyer is needed, he may not be driven to the necessity of employing a man, about whose suitability he had no previous knowledge. I submit that the panel is no where unwieldy.

Then, my learned friend deplored that there were so many sessions courts in Dacca and other districts. This is not our fault. It is due to the fact that the number of sessions cases has increased so much. If crime diminishes, we shall be very pleased to reduce the number of courts.

Further, I may mention that some years ago there was a decision by the Hon'ble High Court that, under section 360 of the Criminal

Procedure Code, as soon as the deposition of a witness is taken, it has to be read over by the presiding Judge in the presence of the accused. In my early days, this procedure was not followed. The Court clerk used to do this.

11-15 a.m.

But now since the decision of the High Court the presiding Judge reads over the deposition to the accused after it is taken down. This necessarily lengthens the duration of each trial and this is one of the reasons why more courts are necessary in the bigger districts.

Mr. P. N. GUHA: On a point of order, Sir. I am fully aware of the existing system and of the panel. All that I submitted before Government was that this system should be rearranged.

Mr. M. C. GHOSH: The revision of the panel to which the hon'ble gentleman refers is primarily in the hands of the District Magistrate. Sometimes he revises the panel, and it must be left to the District Magistrate. I think I have dealt with the particular point raised by the hon'ble member.

The Hon'ble Mr. A. N. MOBERLY: Sir, I do not think I would be wasting much time if I deal with one motion, while Mr. Ghosh has dealt with the other. The motion which Mr. Ghosh has dealt with lies within his particular knowledge as Legal Remembrancer.

Mr. Bose's, on the other hand, relates to a matter of very high politics indeed, and really I am not competent to discuss matters which ultimately rest with His Majesty's Government. He says, "Why don't you try to meet the aspirations and desires of the people of this province?" Of course, it is a matter which really concerns the people of India as a whole. I would only point out that in 1917 a pronouncement was made and subsequently reforms were introduced. Again, a Parliamentary Commission came out to enquire into the working of those reforms and the political situation in India generally, and no longer ago than last November His Excellency the Viceroy made an announcement to the effect that the goal was dominion status and that representatives of the people of India would be invited to a round-table conference in London. I ask this House in what spirit the people of Bengal have accepted all these overtures. I do not think I need say very much more. I hope the overtures will be accepted in the spirit in which they were made, and that we shall have no occasion to prosecute for sedition in future.

As regards the prosecution of sedition cases, I stated the policy of Government yesterday, and I do not think I need go all over the

same ground again. It is not the desire of Government to harass or persecute anybody, but, as I said yesterday, when people get up and make speeches and when they write articles in the press, the object of which, immediate or ultimate, or I may say, even if that is not the object, the result of which, immediate or ultimate, may in our view be an attempt to overthrow by revolution the Government as constituted by law, then, Sir, I think we have to take such action as will maintain the position of Government until in the fullness of time the form of that Government is changed.

The motion of Mr. S. M. Bose was, by leave of the Council, withdrawn.

The motion of Mr. P. N. Guha was then put and lost.

Mr. PRESIDENT: Is there any objection if I have one discussion on motions Nos. 194—198?

The following motion was called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand for Rs. 1,58,000 under the head '24B.—Law officers—Mufassal Establishment—Fees to Pleaders in criminal cases' be refused."

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 1,58,000 under the head "24B.—Law Officers—Fees to Pleaders in criminal cases" be reduced by Rs. 10,000.

Sir, it will be noticed that my motion urges not a total refusal of the grant but a cut only for the purpose of economy. We have learnt from our boyhood the maxim "Waste not and want not." I think small cuts will not affect much the object of the grant. As I have said yesterday, these small cuts, if accumulated, may be better utilised for the welfare of the poor people of Bengal. The expenditure under the head "Fees to pleaders in criminal cases" is increasing every year. I see the actuals under this head in 1928-29 were Rs. 1,03,079, but this year it has gone up to Rs. 1,58,000. I do not know the reasons for this increase. I should like to know on what data has this demand been increased. If the provision made last year was sufficient to meet the requirements so far as these fees were concerned, why should more money be required this year? It seems that Government anticipate that more cases of prosecution are likely to come up and therefore more money is required for these prosecutions. We have heard just now that the criminal mentality of the people has increased, and, therefore, there is demand for more money for prosecutions. Sir, it is really astonishing that while Government is doing everything in its power to make the people change their mentality, the mentality of the people

should become so much criminal as to demand an increase of expenditure every year for their prosecution. In fact, it is really a condemnation of the policy of Government that after so many years of Government's control over the people, the mentality of the people should become so as to demand more money for their prosecution.

Mr. PRESIDENT: I do not think these remarks bear any relation to the cut proposed. What about the pleaders' fees?

Dr. AMULYA RATAN GHOSE: In the mufassal courts petty criminal cases can be well conducted by court inspectors and junior members of the local bar. Pleaders of at least 5 years' standing can be entrusted with undefended criminal cases; the number of junior pleaders is very large and they can be engaged at cheap fees and briefs should be given to them in rotation. If the cases are properly considered and scrutinised before a prosecution is actually launched upon, the number of prosecutions will very much decrease. Prosecutions are generally based on the reports of the paid shorthand writers, I believe, particularly in connection with the cases under section 124A, I. P. C. The shorthand writers who take down haphazardly and conveniently abstracts and not the whole speech, appear before the courts to give evidence that their reports are full and in every matter correct as they were actually delivered by the speakers.

Mr. PRESIDENT: I do not think this has anything to do with the cut suggested in your motion.

Dr. AMULYA RATAN GHOSE: What I mean to say is that prosecutions based on these reports are actually launched upon without proper scrutiny of the reports, and that if the number of such prosecutions be reduced, much saving will be effected in pleaders' fees.

Mr. M. C. GHOSH: Sir, may I rise on a point of order? This item of expenditure which the member is attacking is meant for payment of fees to Crown's lawyers and public prosecutors for conducting ordinary criminal cases, such as thefts, robberies, murders, etc. Sedition does not come under this. Therefore, the remarks of the mover are not relevant.

Babu SATIS CHANDRA RAY CHOWDHURY: Sir, may I know if there is a separate allotment for sedition, and if so, under what particular head does it come?

Dr. AMULYA RATAN GHOSE: My point is that the number of criminal cases can be very much reduced, if there is a real scrutiny of the cases and all information relating thereto, before a prosecution

is actually launched upon. I do not believe that they stand the test of scrutiny. I also think that if the cases, which are at present conducted by highly paid senior lawyers, be in future conducted by the junior pleaders at lower rates of fee, justice will be equally administered and at the same time economy will be effected.

Maulvi SHAMSUDDIN AHMED: May we know whether Government has appointed a separate set of lawyers to conduct political prosecutions?

11-30 a.m.

Mr. M. C. GHOSH: Sir, this item is a mere estimate and———

Mr. PRESIDENT: I think the question was very definite.

Mr. M. C. GHOSH: There is no separate allotment for the conduct of sedition cases. This is a general item out of which the costs of sedition cases are paid.

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 6,000 under the head '24B.—Law Officers—Fees to Pleaders for defence of paupers in murder cases' be reduced by Re. 1 (to draw attention to the inadequacy of the provision)."

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 76,000 under the head '24B.—Law Officers—Fees to Pleaders in criminal cases' be refused."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 5,39,000 under the head '24B.—Law Officers' be reduced by Re. 1 (to discuss a question of policy)."

Mr. M. C. GHOSE: I may reply to the points raised by Dr. Amulya Ratan Ghose. He would reduce the item by Rs. 10,000 on the ground of economy and he has also asked why when the estimate was Rs. 1,53,000 last year it should be Rs. 1,58,000 this year. The fact is that this is only an estimate and it is not known whether during the next year this sum of Rs. 1,58,000 will be spent or a less amount or more. It will depend upon the volume of crime. The hon'ble member has also suggested the employment of junior pleaders of the bar at a cheap fee in smaller cases. This is what is actually being done and a panel of junior pleaders on Rs. 10, 12, 16, 20 or 25 is kept for employment in smaller cases and we are actually making a saving thereby.

As for sedition cases they actually form a very small percentage of our total amount of crime. The bulk of this amount goes for the prosecution of ordinary crimes such as thefts, dacoities, murders, culpable homicides and so on, and these are common crimes for which this amount is estimated. I beg to oppose the cut.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. W. C. WORDSWORTH: I beg to move that the provision of Rs. 1,84,000 under the head "24E.—Presidency Magistrates' Courts" be reduced by Re 1 (to ask for information about the proposed Children Court and to draw attention to the necessity of putting into operation more clauses of the Bengal Children Act).

Sir, I shall take only a minute as my purpose is only to be appreciative. As one of the Committee of the Society for the Protection of Children I am desired and I desire to thank those responsible for including this item in the budget. It is a measure of reform long pressed on Government by the Society, by all groups in this House (not least vigorously by the European group) and those who knew Col. Hamilton recognise in it the proof of his continuing influence on the work, in which he was so interested, for destitute and unfortunate children. The Committee, however, has one apprehension which I may put before the Government in this way. Just as unskilled teachers of infants sometimes begin by teaching their little ones to spell words like "kitten" and "puppies" and afterwards as they make progress, promote them to spell the larger objects "cat" and "dog," so Government, unskilled in the needs of children, may appoint to this court for children an inexperienced Magistrate who after gaining his experience and becoming competent at the expense of the children may be rewarded by promotion to deal with the larger subject matter, adults. We trust that if this Magistrate does become proficient he may not be promoted, anyhow in that particular way. We do not know whether with the appointment of this Magistrate all work will be done by him or whether the services of additional magistrates, whether stipendiary or honorary, will be required. If so we hope that Government will take great care in future to see that any one dealing with these children's cases has the requisite qualities of head and heart. As a Society we have had to take notice of some amazing magisterial pronouncements and it is very embarrassing for a philanthropic society to write to Government and say that magistrates sometimes do not know what they are talking about.

Lastly, I would ask Government to keep steadily in mind the advisability of giving effect to the whole of the Bengal Children Act as soon as possible. When we passed that Act in this Council we used very glowing and eloquent language, referring to it as the children's Charter.

In passing the Act we seem to have exhausted our interest. Very few sections of the Act have since been put into operation and every appeal for some provision brings the answer—the inevitable answer—that there is no money. But when the Bill was drafted and passed through this Council it was known that it would cost money and it will be impossible to deal in any comprehensive way with the problems of the poor unfortunate exploited children of Calcutta, especially the children who are used and misused for begging purposes in the streets, until some one or other is given much wider powers under this Act.

The Hon'ble Mr. A. N. MOBERLY: I need hardly say that Government regard the whole question of the administration of the Children Act as a very important matter. I am glad to say that recently a certain amount of progress has been made. The subject falls, as I think I have had occasion to say before, within the purview of different departments. The Police, Judicial and Education Departments are all interested and some months back His Excellency decided that in order that the work might as far as possible be co-ordinated one Member should be in charge of the whole subject of the working of the Children Act and the Immoral Traffic Act which are closely connected with each other. As Mr. Wordsworth has pointed out, legislation was passed last year for the provision of a Central Children Court and we are now asking for funds to allow that court to function. I am glad to say that there is, in the Bengal Civil Service, an officer who was on duty in Calcutta some years back in connection with other work, but who interested himself considerably in the subject of the welfare of children, and when he went on leave he, at his own expense and without any facilities being afforded by Government, took the trouble to get into touch with the people at Home who were doing this work, and afterwards to go and see what was being done not only in England but also in the Continent. I hope that as soon as the Council finds the sum we need, that officer's services will be available for the Central Children's Court in Calcutta. The intention of Government is that all the work of the Juvenile Court should be done by that one officer. I hope, moreover, that the system of probation, which has not been entirely satisfactory in Calcutta hitherto, will also be supervised by him. He has had some experience of seeing the system working in England and I hope the work in the Children's Court will give him the experience of what is needed here. We have got other work for him to do in Calcutta besides the work he will do in the Children's Court and in connection with probation. But his work in connection with the Children's Court and probation, and I hope with the reformatory and industrial schools, will have the first claim on his time and it is only when he is not occupied in doing such work that he will be given other work to do.

Mr. Wordsworth referred to the fact that the whole Act has not been brought into force and expressed the hope that it will be very shortly brought into force. Time and again I have examined this question and desired to bring section 27 into force, but I found it was perfectly hopeless to do it until we had got the machinery for dealing with children who would be brought before the Juvenile Court under that section. It is impossible to discriminate—you cannot introduce the section and say we will only take 10 children a month or 50 children in the year. If we introduce the section we have got to take the children that come under it. Our difficulty is that we have nowhere to put them. The Industrial School is not very large and the Reformatory is nearly up to its full capacity. There was a scheme put forward by the Society for the Prevention of Cruelty to Children for a clearing house. Government went into that scheme and it is now pending in the Education Department. I hope it will be possible for Government to give assistance towards the establishment and maintenance of a clearing house at some future date. But I regret to say that the scheme cannot be treated more favourably than many other schemes which we have approved as there is no money at all for new recurring expenditure and so it is extremely difficult for me to press this scheme on Government. What I am faced with is this: if this money is not spent can the Government of Bengal get along? All I can say is that the expenditure is most desirable but I cannot say that it is absolutely unavoidable. That is the position as regards so many laudable and desirable schemes of which we have approved. I can only say that I hope later on when finances improve—I am afraid it may not be so even next year in which case I shall not have the pleasure of assisting in the matter—I hope when finances improve that this scheme will be one of the first things that the Government of the day will allot funds to and after seeing how the scheme works that they will be able to introduce further sections of the Children Act.

11-45 a.m.

I think, however, the Council will agree with me that regrettable as it is, it is no use introducing this section which will involve the production of a large number of children when no orders can be passed for their welfare. A matter of this kind ought not to be dealt with in the way in which the beggar problem is dealt with at present. There are a large number of beggars here and when they are sent up before the courts the courts can do nothing except to send them to jail for a short time or to warn and discharge them when they come back again the next day. That is not the way to tackle the beggar problem, and similarly a mere extension of section 27 of the Children Act is not by itself the way to tackle the children problem.

Mr. W. C. WORDSWORTH: I am greatly obliged to the Hon'ble Mr. Moberly for his reply and with the permission of the House I beg to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I do not think the House as a whole or any section of it will object if I have one discussion on the motions that are tabled under "24F.," i.e., from Nos. 200 to 213.

Mr. P. N. GUHA: Sir, I beg to move that the demand of Rs. 14,80,000 under the head "24F.—Civil and Sessions Courts—Pay of munsifs" be reduced by Rs. 100 (to raise a discussion about the appointment of the munsifs).

Sir, I am fully aware of the fact that the Government of Bengal have nothing to do with the appointment of the munsifs. They are appointed by the Hon'ble High Court and the local Government take the decisions as settled facts. I therefore move this motion to request the Government to communicate the views of the Council to the Hon'ble Judges of the High Court.

Sir, it is a well known fact that in these days all appointments to higher and not unoften to lower posts are filled up by competitive examination. Deputy Magistrates, Deputy Superintendents of Police, Superintendents of Excise, Assistant Engineers in the Public Works, Income-tax officers and in fact all such appointments are filled up by competitive examination, but this healthy system of recruitment is not in vogue in connection with the appointment of the munsifs. My information is that the Hon'ble High Court maintains a list of candidates and officiating appointments are given to men whose names are borne in this list. Some of them are ultimately made permanent and some go out of the list. The system is unsatisfactory.

Sir, I am told that the Hon'ble the High Court has recently made it a rule not to enlist any one who is not a first class B.L. In its own way the rule is very good, but a lot can be said against it. A candidate may, by an accident, secure a first class in his B.L. Examination, but he may lack other qualifications essentially necessary to discharge the duties of a judicial officer. Sir, in old days the Deputy Magistrates used to be recruited by nomination, but finding the system unsatisfactory the Government gave it up. The competitive examination brought in men to the Executive service who would be ornaments to the Public Service of any country in the world. But for reasons best known to the Government, the system of competitive examination was again given up and the system of nomination reverted to as before. The experiment failed and the Government have again been compelled to revert to the system of competition.

The post of the munsif should be filled up by competitive examination. Candidates must have the required knowledge, they must be Law graduates and must be qualified otherwise, but perference must be given to candidates who secure high places in the competitive examinations. Sir, I am not requesting the authorities to make a novel departure. The Government of the United Provinces recruit their munsifs by competitive examinations. They hold an examination every year and the only candidates who are allowed to appear are those who possess qualifications as insisted on by the High Court of Calcutta. Appointments are given to those who secure high places in the examination. I consider this to be a good system and it should be adopted in Bengal. The present system in this Province has many defects and all that I can say is that however careful the Hon'ble Judges of the High Court may be in selecting the candidates, the exclusion of some best men is not improbable.

Sir, the question of unemployment is engaging the serious attention of all of us. Every graduate coming out of the University is struggling for existence. Every one who has passed the B.L. Examination is anxious to get himself enrolled as a candidate for the munsifship, but the present system cannot satisfy the need. Those who fail to get in must grudge and accuse the authorities of favouritism. Such grudging and such accusation against the High Court are bound to disappear if only the best candidates are taken in after holding a competitive examination. Further, this will greatly improve the tone of the Judicial Service. Sir, I know the matter rests with the Hon'ble High Court, but what I desire, as I said at the outset, is that the Hon'ble Member in charge of the Judicial Department should place the views of the Council before the Chief Justice and other Judges of the High Court.

Mr. NARENDRA KUMAR BASU: I rise to oppose the motion moved by my friend Mr. P. N. Guha. I am afraid Mr. Guha has moved the motion in ignorance of fact and in ignorance of the whole system by which munsifs are appointed. The mover is under the impression that the High Court maintains a list of first class B. Ls. and from that list appoints officers without reference to their other educational qualifications. I may tell Mr. Guha, so far as my information goes, and I speak subject to correction, that a list is maintained of men who have obtained a first class both in their B. L. and in their M. A. and who have had some practice at the lower courts. It is not a fact that people who have by chance got a first class B. L. are only entitled to have their names in the list. Their whole educational career as well as their career at the bar, short as it is, is taken into consideration, and as far as I know, before they are appointed they are interviewed by Judges of the High Court. From this my learned friend will see that his information about the panel of candidates is

wrong and so far as the Calcutta High Court is concerned the best candidates are selected. My learned friend is also wrong in his information that the Government of the United Provinces have got a system of competitive examination. Let me tell him that it is not so. The system in the United Provinces is almost similar to that in Bengal. A list of well qualified candidates is sent up to the High Court and the Judge in charge of appointment of munsifs interviews all the candidates and then appointments are made. So far as his third point is concerned I am absolutely at a loss to understand how, by means of a competitive test, the question of unemployment will be solved. The number of B. Ls. that will be appointed to the Judicial Service will remain the same whether it be by nomination or by examination, and I think that the question of unemployment will not be any the nearer to solution because of introduction of a competitive test for the purpose of appointing munsifs. I may tell Mr. Guha that the Civil Justices Committee appointed some five years ago, of which I had the honour of being a co-opted member, examined this question in great detail and they unanimously approved the present system of nomination by the Judges of the High Court after considering the academical and legal career of the candidates.

The Hon'ble Mr. A. N. MOBERLY: I will reply to all the motions together, Sir.

The following motions were called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: "That the demand of Rs. 14,80,000 under the head '24F.—Civil and Sessions Courts—Pay of Munsifs' be reduced by Re. 1 (to draw the attention of the Hon'ble Member with regard to the Judicial procedure in rent suits as prescribed in the amended Bengal Tenancy Act, which has not been followed)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 19,73,539 under the head '24F.—Civil and Sessions Courts—Pay of Establishment—Clerks' to be reduced by Re. 1 (to draw attention to the policy followed in recruitment of clerks)."

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 1,45,000 under the head '24F.—Civil and Sessions Courts—Allowance to Jurors and Assessors' be refused."

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 1,45,000 under the head "24F.—Civil and Sessions Courts—Allowance to Jurors and Assessors" be reduced by Rs. 100 (to criticise the policy followed in the enlistment of jurors and assessors and to draw attention to the inadequacy of the allowances given to them).

Sir, the jurors may be classified psychologically into two classes; one class may be called the "reluctant" and the other the "eager." I do not like to enter into a discussion of the factors that contribute to this mentality. But so far as my experience goes I think that the class which is reluctant to serve as jurors is the better class and the reason why they are reluctant seems to be that not only are the allowances they receive very very inadequate but also that in the mufassal they labour under various hardships in respect of their board and lodging when they go to their district headquarters to serve as jurors. That is the reason why now-a-days this class of jurors tries to avoid attending a court in all possible ways.

12 noon.

This is a state of things to which I think the Government should direct its immediate attention.

As regards recruitment of jurors, I referred to this subject last year also and I suggested that as there was at present a network of union boards spread throughout the province, it would be a very good principle if the presidents and vice-presidents of those boards could be selected as jurors provided there were no objections against them. So far as the present method of recruitment is concerned, I do not say that it is a wrong system; but if instructions are given to those who are responsible for sending up names to see if they can enlist, if possible, the presidents, the vice-presidents and other deserving members of the union boards, I think the method of recruitment will be much improved and undesirable people will easily be avoided.

As regards the other point, viz., the inadequacy of their allowances, I should like to say a few words about their hardships. I suggest that their allowances should be increased. When these jurors go to the headquarters of the district to attend sessions trials they have generally to put up in hotels which are very often insanitary and experience a good deal of hardship owing to the insufficiency of the allowances they get. That is the reason why deserving people are not attracted to serve as jurors. I think if their allowances are increased to some extent, better class of people will be attracted. So far as my own district is concerned, I have found that there is a very widespread discontent amongst the jurors on account of the very inadequacy of the allowances given to them. I do not know what is the position with regard to the other districts. Some of the hon'ble members of the House will perhaps be able to enlighten us as to the state of things prevailing in their own districts. As far as I have been able to read the situation something should be done by Government in this direction.

The following motions were called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 4,30,000 under the head '24F.—Civil and Sessions Courts—Remuneration to Copyists' be reduced by Rs. 100 (to raise a discussion about the condition of their services)."

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 1,30,000 under the head '24F.—Civil and Sessions Courts—Process serving establishment (Contingencies)' be refused."

Kazi EMDADUL HOQUE: "That the demand of Rs. 35,18,977 under the head '24F.—Civil and Sessions Courts—Pay of Establishment be reduced by Re. 1 (question of refusing small deposits)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 72,42,000 under the head '24F.—Civil and Sessions Courts' be reduced by Rs. 100 (to raise a discussion on the present policy regarding the insanitary condition, insufficient accommodation and bad staircase and building)."

Maulvi MUHAMMAD HOSSAIN: I beg to move that the demand of Rs. 72,42,000 under the head "24F.—Civil and Sessions Courts" be reduced by Re. 1 (to draw attention to the inconvenience of the public regarding the Central Civil Court at Barisal).

Sir, as one of the new-comers to this Council I do not wish to waste much time by criticising the policy of Government, but at the same time I feel that I shall be failing in my duty if I do not draw the attention of the Government to the manner in which the Civil Central Court at Barisal is working. Myself being a member of the Barisal Bar Association I think I shall be able to enlighten this House with the inconvenience of the litigant public and the pleaders owing to the existence of the Central Court. Under the old system cases instituted from a police station had to be filed in a separate Munsif's Court. The Central Court at Barisal was inaugurated in January, 1927, and I have got the bitter experience of it for these three years as a member of the Bar.

The establishment of the Central Court is an experimental measure and when the Bar Association approved of its introduction it could not foresee the consequences with which I shall deal here, but having seen it work for more than three years, the Bar Association has unhesitatingly come to the conclusion that the system is unworkable at least in a district so vast like Bakarganj.

Several representations were made by the Bar Association to the District Judges for the abolition of the Central Court.

Recently, when the Hon'ble Mr. Justice Satyendra Chandra Mallik paid a visit to this town, the Bar Association submitted a representation strongly criticising the inconvenience of the working of the Central Court and asking for the immediate abolition of it.

The main object for the establishment of the Central Court was the more speedy disposal of cases. Experience shows that the delay in the disposal even of *ex parte* cases has been greater than what had been when the old system prevailed and thus it has failed to achieve its desired effect.

All suits up to the value of Rs. 2,000 have to be instituted under the present system in the Central Court. During the year 1927 so many as 15,512 original suits were instituted and out of this number 10,411 suits were instituted on *Tamadi* day. In 1928 about 17,293 suits had been instituted. Out of this number, 11,131 suits were instituted on the *Tamadi* day. An unusually large number of cases having been instituted in one court at the same time, the examination and registration of plaints could not be finished within two or three months from the *Tamadi* day. This resulted in delay even in *ex parte* cases being disposed of more than six months after institution; whereas under the old system about half the time was ordinarily taken for the purpose.

The Central Court has to deal with nearly 500 records of cases daily, the result being that the parties, their witnesses and pleaders are very often required to wait for the whole day, and sometimes till 8 p.m. in the night to be told that their cases would be adjourned for want of time. For the first eight months this is the every-day occurrence of this Court. Under the present system this inconvenience has been unavoidable as the presiding officer remains engaged for a comparatively large part of the day in dealing with petitions and in recording and scrutinising orders that have to be passed in a large number of cases.

While even *ex parte* cases have to be adjourned for want of time, petitions for time in contested cases which the court could not possibly have been able to take up, after disposing of *ex parte* cases, are sometimes rejected and the cases are dismissed for default or disposed of *ex parte*.

While the *ex parte* cases fixed for the day are not ordinarily taken up before 2 p.m., sometimes it so happens that such of *ex parte* cases that could not be taken up on that date and adjourned to the next following day, are taken up during the first part of the day and the parties labouring under the misapprehension that the cases would not be called up before the usual time fail to turn up exactly at call with the result that on arrival they find that their cases had been already dismissed for default.

Owing to congestion of business, deficit court-fees and process-fees, processes, etc., necessarily filed without any mention of the number of the suits are often mislaid, the result being inconvenience to the ministerial officers and loss to the litigant public.

Owing to heavy list of cases in one court sometimes cases coming up from the police station are wrongly registered as of a different police station with the result that the parties cannot obtain any trace of their suits which are dismissed for default. Sometimes Small Cause Court cases have been registered as rent suits.

The registers of suits are necessarily prepared and maintained in the Central Court where all the plaints are filed and that the officers of the court to which contested cases are transferred for trial are required to make entries of the result of the suits tried and of the execution proceedings held therein, in the said register though in the custody of officers of a different court, causing inconvenience and harassment to officers of both courts with the result that many important notes are not made at all to the great detriment of the litigant public.

As a result of the suit registers being maintained in a different court the courts trying the cases transferred to them have no option but to invariably call for production of certified copies of decrees even of rent suits in execution proceedings though under the law no copy of the decree need be filed, thereby unnecessarily increasing the cost of litigation.

Unlike criminal cases, proceedings of various kinds arise out of a civil suit, viz., attachment before judgment, temporary injunction, appointment of receiver, rehearing cases, review petitions, executions proceedings including claim cases, objections to execution under section 47, sale set-aside cases, etc. In addition to these there are miscellaneous proceedings of an original nature, viz., deposits under Rent Act and the Transfer of Property Act. All these make the volume of work too heavy for one officer to cope with and seriously interfere with the due and proper administration of justice and tell seriously upon the constitution and temper of the presiding officer.

Congestion of work in one court has thrown the door wide open to corruption among the ministerial officers and peadas.

Extreme difficulties are felt by the parties, pleaders and the *tadbirkars* to refer to the records of cases in court as well as in office.

12-15 p.m.

Sir, owing to the number being very large no information to the party's pleaders are given of the judgment and orders passed in a suit. Similarly decrees drawn up are not shown to the pleaders concerned before they are signed by the presiding officer with the result that mistakes go undetected till the time for remedy is over.

Sir, in contested miscellaneous cases it often happens that cases are adjourned for want of time although both parties come ready with witnesses on successive dates. But either party remaining unavoidably absent on the adjourned dates fixed, his case is dismissed or disposed of *ex parte*.

Sir, owing to heavy pressure of work petitions and written statements and other papers are not uncommonly mislaid resulting in *ex parte* disposal of cases. I may mention here that (R. S. 1046/29 was decreed *ex parte* on the 14th August, 1929, though written statement and petition were filed).

Sir, in his natural eagerness to make speedy disposal of cases, the presiding officer of the Central Court cannot possibly devote sufficient amount of time and attention to the abnormally large number of cases and under the circumstances proper administration of justice becomes impossible.

Sir, owing to the heavy congestion of business, cause list is not given daily and the parties and their *tadbirkars* do not and cannot obtain information of the adjourned dates in proper time resulting in great inconvenience and trouble.

Sir, the court room is wholly inadequate for accommodation of the pleaders, their clerks and the litigant public and their witnesses. Owing to the great rush into the room and to the large number of records to be handled daily, the pleaders are hardly able to have access to the records of cases in their charge and to become aware of the orders passed which often cause failure on their part to take requisite steps in those cases.

Sir, the room being packed almost to suffocation, pleaders are not generally able to move urgent and important petitions before the court or draw the attention of the court to necessary matters.

Sir, in future years, the work will be absolutely unmanageable and much greater hardship will be caused to the litigant public on account of the accumulation of pending cases of past years together with the original cases newly instituted and the miscellaneous cases and execution proceedings, the number of which will go on increasing.

Sir, among the districts where the Central Court has been established the number of Original Civil suits in this district is probably the largest and the difficulties in properly working out and managing the Central Court is necessarily greater than anywhere else.

Sir, my object in moving this motion is to bring all these facts to the notice of this House, so that the attention of Government may be drawn to them and the litigant public and pleaders may be saved considerable trouble and inconvenience that are caused by the existence of the Central Court.

The Hon'ble Mr. A. N. MOBERLY: Sir, may I reply to these three motions now? The time is becoming short, and unless I have an opportunity of replying now, perhaps I may not have any chance of speaking at all.

Mr. PRESIDENT: Yes.

The Hon'ble Mr. A. N. MOBERLY: There are three motions before the House now. The first is Mr. Guha's. He has explained that he knows that we cannot do anything about it beyond conveying the speeches which have been made to the High Court, and I take it that he does not intend to press his motion. Apparently, opinion in this Council is not unanimous, but the speeches which have been made will be communicated to the High Court for their information.

The same, I may say, applies to the motion of Maulvi Muhammad Hossain. These central courts were introduced experimentally in 1927. In January, 1929, the High Court were asked about the working of these courts, and they expressed the opinion that the scheme had not been worked sufficiently long to enable them to give a definite opinion. As my friend has just mentioned, a High Court Judge has recently been to Barisal, and I have no doubt that the High Court are now considering the whole question. Meanwhile, I shall send the speech of Maulvi Muhammad Hossain to the High Court, and I think they will be interested to hear the views of a member of the Barisal Bar.

The third motion is that of Maulvi Tamizuddin Khan. I am glad to inform him that, as a result of the motion moved by him during the budget debate last year, we took up the question of improving the rules for the remuneration of jurors. We have redrafted the rules; we have got administrative sanction to the increased expenditure which comes to about Rs. 42,000 a year. But the proposal will have to go through the schedules, like every other proposal, and I am sorry to say that at the present moment there is no hope of its going through, at least until 1931-32. So, we have taken the opportunity of the delay to consult the High Court in order to get their opinion on the rules we have drawn up.

As regards the other point which he mentioned about including presidents, vice-presidents, and members of union boards in the jury lists, if there is no objection to them, I am quite prepared to write to District Officers and point out to them that this might be done. As a matter of fact, I have little doubt that this is done already. However, the attention of District Officers will be drawn to this point. But I am afraid it may not add to the anxiety of people to become members of union boards.

Mr. PRESIDENT: Although the Hon'ble Member has replied, I need not put these motions at this stage. We may go on with the discussion up to motion No. 213, as we decided.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 72,42,000 under the head "24F.—Civil and Sessions Courts" be reduced by Re. 1 (to raise discussion on the present policy of the Government regarding the insanitary condition, insufficient accommodation and bad staircase and building for which District and Additional Judges are not permanently stationed at Howrah Courts and completely separated from the Hooghly Courts).

My object in moving this motion is to draw the attention of the Government to some glaring defects in the administration of this department which could easily be removed. The population in the district of Howrah is rapidly increasing and the number of suits is increasing by leaps and bounds. The total numbe: of pleaders now practising in the Howrah Court would be more than 300. The litigant public of the district feel great difficulty in remaining under the jurisdiction of the District Judge at Hooghly. It has become urgently necessary to post a District Judge at Howrah and the jurisdiction completely to be separated. If the District Judge is permanently posted at Howrah there would be no necessity of the Additional Judge and hence at the same cost which the Government is spending for Howrah the grievances of the litigants will be removed. Moreover the large number of land acquisition cases of Bally, Howrah and the coming Improvement Trust cases will justify the proposed complete separation of jurisdiction of Hooghly and Howrah. The litigant public of Howrah find great difficulty in getting from the record-room at Hooghly the certified copies of disposed of cases and in many cases it so happens that urgent copies by paying extra fees are required in cases while being heard and argued at Howrah, and sometimes it so happens that for want of certified copies and records called for from the Hooghly record-room great delay takes place and justice is not done.

The Sessions Court building has insufficient accommodation. The staircase leading to the Sessions Court is so badly designed and situated that old lawyers cannot easily get up to the Court and as the staircase is uncovered it is very difficult to get up in the rainy season without being drenched. There is no library room and separate lavatory for pleaders attending the Sessions Court. The witness shed has been let out to clerks of pleaders and witnesses suffer for want of resting place. The Civil Court judges generally hold courts on Saturdays till 5 p.m. and for this reason the litigants and clerks who go to their native village at the end of the week find great difficulty in entraining themselves at the late hour on Saturdays. Then again the litigants

suffer great hardship in depositing money to the Treasury; the cashier is posted at the Imperial Bank of India, situated at a great distance from the Howrah Courts, and on Mondays and Thursdays only chalans can be filed in the Treasury and the stamps are given on the day following the day the chalans are filed. Court-fees to the value of Rs. 50 and over are required almost every day and almost in every case, but the authorities do not grant licence to stamp-vendors to sell stamps for court-fees over Rs. 50, and hence the litigants have to purchase the same from Calcutta and other places by paying extra cost.

On the 1st day of January, being the New Year's day, the courts remain closed, whereas on the 1st day of Baisakh, the first day of the Bengalee year, the courts remain open. *Natun Khata* ceremony is observed by every businessman who can hardly afford time to come to court and file suits on the 1st day of Baisakh to save limitation. Hence the first day of the Bengalee year, i.e., the 1st day of Baisakh, the day on which the Pujas are held, should be held as holiday, and the courts should remain closed.

Sir, the condition of these courts are so very unhealthy and insanitary that it is hardly possible to pass time there. The surroundings are full of dust and filth. The benches and chairs in the court rooms are broken and full of bugs and they have not been repaired for years and years.

12-30 p.m.

I suggest that these benches and chairs ought to be repaired and brought to such a condition that they might be used by the litigant public of Howrah. Moreover, the roads, the pathways within the compounds of these courts are never repaired, never attended to and never cared for.

Turning to the other aspect, I would suggest that like honorary magistrates if honorary munsifs are appointed and they are given power to try rent suits, money suits and small cause court suits to the value of Rs. 100, the heavy expenditure under this head will be greatly reduced. Moreover, if munsifs are recruited from pleaders at a monthly salary of Rs. 100 to Rs. 300 and like the sub-deputy magistrates they are designated as sub-munsifs and given the power of trying suits under Rs. 250, a great saving under this head can be easily effected, The good and successful administration of a department like this lies mainly in the hands of the ministerial officers of the Government, and if these suggestions, most of which are recommended by committees appointed by the Government, are accepted and if these long felt grievances are removed at an early date, I am sure

an immense good to the litigant public of Bengal, particularly of Howrah, will be done. With these words I command my motion to the acceptance of the House.

The following motion was called but not moved:—

Babu HARIBANSA ROY: "That the demand of Rs. 72,42,000 under the head '24F.—Civil and Sessions Courts' be reduced by Rs. 100 (policy of the Government regarding administration of justice in Civil and Sessions Courts—present method of recruitment to the service—lack of sufficient building accommodation particularly in Howrah)."

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 72,42,000 under head "24F.—Civil and Sessions Courts" be reduced by Re. 1 (to draw attention to the undesirability of the recruitment of the ministerial staff of the Narail civil courts from local men).

Sir, the most vital point of my contention is that no proper care or caution is taken by the Government regarding appointment and posting of the ministerial staff of the civil courts, especially in mufassal and that there is no hard and fast rule as to their transfers and appointments. This negligent way of dealing with this matter often leads to the gravest possible injustice and unnecessary harassments to the people in general. From several facts in hand, I may boldly challenge the Government policy and urge that the budget demand under the head be curtailed unless these things are looked into and rectified.

At Narail subdivision, in the district of Jessore, besides copyists and comparing clerks there are 20 men on the staff of the civil courts and out of that 20 persons 16 are men of the subdivision. These 16 men, in conjunction with their fellow brethren on the staff, are utilizing their position for their personal aggrandisement at the cost of law and justice. One of them, it is known, recently caused the sale proclamation of a certain execution case to be suppressed by the process-server of the court and purchased the property which was to be advertised for sale at a nominal price of Rs. 16 only, in the *benami* of his brother, while the property in question was really worth not less than Rs. 300. Soon after the sale the judgment-debtor came to know of this clandestine sale and purchase and hastened to the court, deposited the decretal amount and set aside the sale. No sooner than the clerk concerned learnt of this he went so far as to threaten the pleader's clerk, whom he suspected to be the man to inform the judgment-debtor and told him plainly that he would spare no pains to get his (clerk's) card cancelled by the munsif.

Another man of the said court sent a particular member of the Bar for khas possession for nothing and caused much worry and pecuniary loss to the gentleman concerned.

This is not all. These persons are often found to play the touts of particular members of the Bar and they also, it is reported, are in the habit of recommending the names of their friends and relations in the Bar to the presiding officers of the courts regarding the appointments of guardian-*ad-litems* and the allotment of commissions, etc. Can a more lamentable state of things be conceived in a court of justice, where everybody is expected to be equally and even-handedly dealt with?

I believe that if the local men are removed from their home subdivisions this malpractice is sure to come to an end————

Mr. PRESIDENT: Order, order. The time-limit for the discussion of the demand for grant under "24.—Administration of Justice" has been reached, so I shall put all the motions.

The motion of Mr. P. N. Guha was then put and lost.

The motion of Maulvi Tamizuddin Khan was then put.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. May I beg leave of the House to withdraw this motion?

Mr. PRESIDENT: That is not a point of order. In any case, I am afraid you cannot do that now, as I have already put the motion.

Nobody responded to the "Aye."

Mr. PRESIDENT: The mover of the motion ought to have responded.

Maulvi TAMIZUDDIN KHAN: Since I wanted to withdraw the motion, I did not feel that I should say "Aye."

Mr. PRESIDENT: An absurd position to take up; for you will then be ranked amongst the "Noes." (Laughter.)

The motion was lost.

The motions of Maulvi Muhammad Hossain, Dr. Amulya Ratan Ghose and Maulvi Syed Jalaluddin Hashemy were then put and lost.

The motion that a sum of Rs. 86,68,000 be granted for expenditure under the head "24.—Administration of Justice" was then put and agreed to.

The time-limit under the head "24.—Administration of Justice" having been reached the following motions were not put:—

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 72,42,000 under the head '24F.—Civil and Sessions Courts' be reduced by Re. 1 (to draw attention to the fact that Civil Justice is suffering in several districts)."

Mr. P. N. GUHA: "That the demand of Rs. 2,71,000 under the head '24G.—Courts of Small Causes—Presidency Courts' be reduced by Rs. 100 (to raise a discussion about certain aspects of the appointment of Judges)."

Mr. BIJOY PRASAD SINGH ROY: "That the demand of Rs. 3,49,000 under the head '24G.—Courts of Small Causes' be reduced by Rs. 100 (to raise a discussion on the Government's policy about the appointment of Judges of the Presidency Small Causes Court. Why advocates are not selected)."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 28,900 under the head '24H.—Criminal Courts' be reduced by Re. 1 (system of administration of Criminal Justice)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Rs. 1,50,000."

Mr. B. C. CHATTERJEE: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Rs. 100 (to draw attention to the advisability of the Local Government recommending to the Government of India an amendment of section 124A, I. P. C.)."

Babu JATINDRA NATH BASU: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Rs. 100 (to draw attention to the increase in the number of cases of sedition and the need of discontinuing a large number of such cases)."

Mr. BIJOY PRASAD SINGH ROY: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Rs. 100 (to criticise the Government's policy of prosecutions in political cases on the charges of delivering seditious speeches)."

Khan Sahib Maulvi MUAZZAM ALI KHAN: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Re. 1 (to express disapproval of the policy of the Government in ignoring the claims of the Mussalmans to services under the Government)."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Re. 1 (to call attention to the grave abuse in the administration of justice in the country)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Re. 1."

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Re. 1 (general policy with reference to backward community)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 86,68,000 under the head '24.—Administration of Justice' be reduced by Re. 1."

25.—Jails and Convict Settlements.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 33,89,000 be granted for expenditure under the head "25.—Jails and Convict Settlements."

It will be noticed that this demand exceeds last year's budget estimate by about Rs. 27,000. The reasons for this increase are explained in the green book, copies of which have been supplied to all members by the Finance Department. The chief items of increase are for the improvement of jail administration. They are—

(*1*) provision for primary education;

(*2*) improvement of the Borstal Institution at Bankura for the younger section of the jail population;

(*3*) increased provision for female warders in some of the important jails;

(*4*) improvement of medical treatment in the hospital attached to the Presidency Jail; and

(*5*) increased provision for dietary charges.

Mr. PRESIDENT: I should like to have one discussion on motions Nos. 227 and 228.

The following motion was called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 7,200 under the head '25A.—Jails—Presidency Jail—Temporary Watch and Ward' be reduced by Rs. 6,200."

Maulvi SYED MAJID BAKSH: I beg to move that the demand of Rs. 7,200 under the head "25A.—Jails—Presidency Jail—Temporary Watch and Ward" be reduced by Rs. 5,000.

Sir, I shall be very brief. I should like to draw your attention to the detailed account of the budget where you will find that last year the budget estimate under this head was Rs. 2,200, and this year it has been raised to Rs. 7,200. I think the figures speak eloquently. I hope all will agree with me when I say that the provision of this sum is due to the fact that Government anticipate that there will be a large increase of prisoners this year. Therefore in order to take charge of these prisoners this temporary watch and ward establishment has been provided for. The reason, it seems, which has actuated the Government to make a provision like this is that on account of a general tendency of breaking the law by way of civil disobedience or otherwise, as was foreshadowed before, the number of prisoners is likely to increase. When the Congress resolution was passed in December, the Government thought that a large amount would be necessary for making temporary provision for prisoners, but experience has falsified that fear. Although the Congress passed the resolution in December and about three months have since elapsed, there has not been any increase in the number of prisoners yet. The argument may be advanced that although up to this time there has not been any increase in the number of prisoners, it is likely to be in the near future. But that is a guess work and upon a guess work a budget cannot be framed. I shall now refer to the report of the Public Accounts Committee. Every page of this report and almost every item contained therein will convince every one that the Budget Department of the Government of Bengal is hopelessly inefficient. They make budget provision of a sum which in actual practice is not required. They do not know what amount of money will be required under a particular head and therefore they make provisions far in excess and thus they do what is technically termed as over-budgeting. This very item may be taken as an example of over-budgeting. The demand that has been made may perhaps not be required at all. If I may speak in their terms I may say that this amount may not be required for more than one reason. It is possible that after the issue of the Simon Commission's report some sort of agreement will be arrived at by the Government of India with the leaders of the country. A definite advance is likely to be made in the political atmosphere of the country.

12-45 p.m.

It is the fear of law-breaking which has stampeded Government into making a provision like this which will prove to be useless. As a mere

caution I would suggest to them not to make a provision like that at present. If there is no money provided in the budget, if I had refused the whole amount then it would have been proper for the Hon'ble Member to argue that "if in the meantime something crops up how are we to combat the situation?" But my cut would leave Rs. 2,200 to Government with which to deal with any situation that may arise. This sum was thought to be necessary last year and this is the sum available in their hands next year. They may carry on with it for two or three months more and if in the meantime the number of prisoners increase by any such happening in Bengal, if Bengal is so fortunate as to fill His Majesty's jails then it would be time to come to the Council for a supplementary grant next session. I suggest that you may be mistaken in your estimate. In the language of Cromwell I may tell the Government: "For the love of Christ, gentlemen, think if possible you may be mistaken." I, therefore, submit that this provision of Rs. 7,200 is more than what is necessary at least as the indications point at present. The sum that was necessary last year, namely Rs. 2,200, will be found to be sufficient under the present circumstances. I shall point out one thing more. When we find that persons in various jails complain of very bad treatment, it is not proper for Government to send any more persons to jail. I hope they will consider the desirability of not taking the situation very seriously save and except in case of rioting and such other offences. The Council yesterday expressed its emphatic opinion on the subject. In view of that I suggest a cut of Rs. 5,000 be made in this demand.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, Maulvi Syed Majid Baksh's eloquence is due to suspicion. On the 11th December, 1929, the Inspector-General of Prisons wrote up to Government saying this—I will read a few lines from his letter and take the Council into my confidence.

Mr. PRESIDENT: Would that document be available to the House? I mean the whole of it?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, undoubtedly. The Inspector-General says:—

"The estimate herewith enclosed is based on this daily average and may be treated as a supplement to the revised and the budget estimates already submitted to Government. I would add in this connection that

the latest returns point to a daily average of ordinary population in the neighbourhood of 15,000 which is much larger than the number on which my previous estimates were based."

The date, I hope, will remove the suspicion from the mind of the Hon'ble Member. 11th of December was a few weeks before the Congress passed its resolution. Maulvi Syed Majid Baksh has however supplied me with an argument. It is perfectly wellknown to everybody that since the Congress resolution prospects have to be considered of more prisoners going into jail. Government in the Jail Department are not concerned with the reasons for prosecutions in these cases. But let me assume that a large number of people, as a result of the Congress resolution will go into jail, then in that case the present estimate will prove to be an under-estimate and it will be a mistake to attempt to reduce it still further. Maulvi Syed Majid Baksh has asked—why not come to the Council later on, in the meantime managing with Rs. 2,200? My answer to it is this: it is always unsatisfactory to employ convict warders. Those who have experience of jails will agree with me that it is always desirable on the part of the Jail Department to employ paid warders. If you take way this money, we shall be compelled to employ convict warders at any rate for the period the Legislative Council does not vote additional funds and that will be very undesirable. Maulvi Syed Majid Baksh has also said that Government usually overbudgets. But the estimates in various departments will show that there is very little of over-budgeting. He has further suggested that Government may be mistaken in the idea that as a result of the Congress resolution more prisoners will come in. I am sure Government will be very glad if they find themselves mistaken in this matter, but as I have already said this estimate was based on the estimate of 11th December, although of course we cannot afford to ignore other anticipations and I am sure the elected representatives of this House, for their own reasons, ought not to ignore the situation. If there are more prisoners in the jail it is the duty of the Jail Department to keep them in proper state of health and look after them consistently with penological principles. If this demand be rejected and if the prisoners are not treated properly consistent with penological principles, the responsibility will be on Maulvi Syed Majid Baksh and those who vote for the cut. Therefore, for these reasons, I cannot accept the cut.

The motion of Maulvi Syed Majid Baksh was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Ganerji, Mr. P.
Ghaudhuri, Maulvi Ashrafuddin.
Hafizullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Kazi Emdadul.
Rout, Babu Hasani.
Sarcar, Dr. Sir Nilratan.

NOES.

Bajlabh, Rai Bahadur Debendra Nath.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassan, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. H.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 10 and the Noes 43 the motion was lost.

The following motion was called but not moved:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 47,000 under the head '25A.—Jails—Borstal Institution' be reduced by Rs. 5,000."

Mr. PRESIDENT: I will have one discussion on Nos. 230 and 234.

1 p.m.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 1,47,873 under the head "25A.—Jails—Contingencies" be reduced by Rs. 100 (to raise a discussion as to the urgency of supplying mosquito curtains to all classes of prisoners).

This is a question which has been discussed on more than one occasion on the floor of this House. It would seem that there is none among us here who is in principle opposed to supplying mosquito nets to prisoners. But Government opposed motions like these on former occasions on the ground that the finances of Bengal were not adequate for this purpose. We are all aware of the fact that finances are stringent here which prevent the Government from taking up many salutary measures but this seems to be such an urgent matter that Government cannot be justified in neglecting it. If it is actually difficult to tackle the problem as a whole on account of want of funds Government can very easily do one thing. The mosquito pest is not equally prevalent in all the jails; in Dacca, for example, this pest is much more abundant than in many other places and as regards other

districts, I think some are more immune from this pest than others. What Government can very easily do is this: they can provide mosquito curtains for the prisoners of those jails where the insects are very much prevalent. In this way in course of time Government may be able to solve the problem satisfactorily. If they are really serious about it they can easily do it. So far as I know the Government have not seriously gone into this matter and I do not think we can approve of this policy of negligence on the part of Government.

Mr. PRESIDENT: You may not move your own motion but can speak on No. 230 which has been moved by Maulvi Tamizuddin Khan. This will serve your purpose equally well.

Dr. AMULYA RATAN GHOSE: Yes, Sir. The actual expenditure under this head in the year 1928-29 was————

Mr. PRESIDENT: You can speak on mosquito curtains only. (Laughter.)

Dr. AMULYA RATAN GHOSE: So I think I need not speak on the motion.

The Hon'ble Sir PROVASH CHUNDER MITTER: I welcome this discussion because it will enable me to explain to the House that it is not correct to say that Government have not moved in the matter. That was the erroneous impression of Maulvi Tamizuddin Khan and perhaps because of that impression he has moved this motion. The experiment of supplying mosquito nets to all prisoners is in operation in Pabna and after examination it is intended to take up the experiment in three more jails. I may mention that under the present Jail Code all civil prisoners and prisoners suffering from malaria get mosquito nets in hospitals; under-trial prisoners also can have mosquito nets at their own cost. The result of the experiment in the Pabna Jail is rather interesting, and that experiment has proved somewhat inconclusive; and curiously the figure for malarial attack in the year after the introduction of mosquito nets has been somewhat larger than that of the preceding year when there were no mosquito nets. It struck me as rather strange; so we went into the matter very fully and we also consulted the Director of Public Health, Dr. Bentley. It appears that there are several factors in operation in this matter. One of the most important factors is that at a particular moment the jail population may have come from a malaria-infected area and at another point of time less prisoners may have come from a malaria-infected area. There are other factors too which make the Pabna experiment inconclusive. By that I do not for a moment pretend to say that mosquito nets cannot necessarily have a beneficial effect in the prevention of malaria.

Now as I have already said we consulted not only the jail authorities, the Superintendents of various jails, but we also consulted Dr. Bentley, the Director of Public Health. He also was of opinion—and I have his report before me—as to why the experiment in the Pabna Jail was inconclusive. Dr. Bentley, among his other suggestions, made a definite suggestion which in his opinion is likely to meet the object which the Government and members of this House have in view, namely, to deal with the malaria problem amongst the jail convicts. One of the suggestions he puts forward is this: (At that time the proposal was to carry out the experiment in two jails; since then the proposal has been made to carry out the experiment in three jails.) "I understand it is proposed to carry out an experiment in two jails, apparently in mosquito nets as has been done in Pabna. I would like to suggest the carrying out if possible of two or more anti-mosquito campaigns in an area including one-half mile radius from the jails selected. If it were possible to use jail labour the cost would be no more than supervision together with the sprayers and oil required. As regards oil I do not think that the cost would need to exceed about Re. 1 per acre, or roughly about Rs. 500. A sprayer costs about Rs. 90. In some places Paris green would be effective. Altogether I do not think that the work would need to cost more than about Rs. 1,000 at the most, and the great advantage would be that local population would benefit at the same time as the prisoners. Take the case of Dacca, for example. At Dacca there is a lot of dengue or there used to be. This is also a mosquito-borne disease but mosquito nets are not a safeguard because the stegomyia mosquito that carries dengue bites in the day time chiefly. On the other hand ordinary culex mosquitos that give most discomfort at Dacca are a trouble at night. I believe that systematic anti-culex work at Dacca would reduce culex mosquitos in the jail, if carried out for half a mile radius and the cost need not I think exceed that of mosquito nets."

Here is a suggestion that was made and we thought it worth while investigating this advice of Dr. Bentley. I would like to give the House some idea of the cost of the experiment if all the central and district jails are provided with mosquito nets. Rough estimates have been prepared but detailed estimates have not been prepared as yet as they are intended more for the purpose of giving an idea than for anything else. The total cost would be over a lakh of rupees in capital expenditure and about half a lakh in recurring expenditure because the life of a mosquito net is only about two years. Those who are more familiar with this problem than I or other lay members of this House may have other suggestions to put forward. With regard to prisoners who come from malaria infected localities some kind of special treatment may be more effective than mere provision of mosquito nets. At any rate at a much lesser expense we may hope to get better results. But as the

problem is a difficult one and different solutions have been suggested Government in the Jails Department decided to carry on the experiment, funds permitting, in three more jails and at the same time to investigate some of the other suggestions. It has been said that the real reason why further experiments have not been made was the financial difficulties of Government. Financial difficulties no doubt are ever present in the Government of Bengal but I may tell the members of this House that when it was a question of health we certainly try not to be weighed down by financial difficulties and the fact that we have taken certain steps at Pabna shows that this is the position.

There are certain other points which I should like to place before the House. From the prisoners themselves there is not only no demand for mosquito nets—I am speaking of ordinary prisoners—but some dissatisfaction is expressed if such nets are provided. The ordinary prisoners are not provided with cots to sleep in. So the mosquito nets, I am told by jail officers as also by some jail visitors, will fail in their object because the mosquito nets cannot be properly tucked up, with the result that in many cases it means benefit more to the mosquitos rather than protection to the prisoners! When used by a man who is sleeping on the floor the mosquito net cannot be properly tucked up; that aspect will have to be considered.

The health of the jail population as it appears from the jail reports has not been unsatisfactory but whatever the advice of experts may be we are in favour of experimenting with provision of nets in some more jails.

Then certain administrative difficulties affecting discipline have also been pointed out. The members of this House may appreciate what these difficulties are likely to be. From what I have said I think those members who approach this question with an open mind will give Government credit that the matter has been receiving the careful consideration of Government and I may assure the House, if this assurance were needed, that it will continue to receive very careful consideration. On this assurance I trust Maulvi Tamizuddin Khan will not press his motion. If he does, then in the present state of our knowledge I am afraid I have no other alternative than to oppose it.

1-15 p.m.

And before I sit down, I will say this, Sir, that if at a lesser expense we can do more good, perhaps we ought not to throw away our chances in that direction.

Maulvi TAMIZUDDIN KHAN: With your permission, Sir, may I ask one question of the Hon'ble Member?

Mr. PRESIDENT: Yes.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to mention which are the three jails in which the experiment is contemplated?

The Hon'ble Sir PROVASH CHUNDER MITTER: Three jails are likely to be selected out of four, viz., Jessore, Burdwan, Dacca and Rangpur. But I ought to tell the House that we have not yet made any final selection.

The motion of Maulvi Tamizuddin Khan was, by leave of the Council, withdrawn.

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 231, 232, 233, 235, 237 and 239.

Dr. AMULYA RATAN GHOSE: Mr. President, Sir, I beg to move that the demand of Rs. 28,04,000 under the head "25A.—Jails" be reduced by Rs. 50,000.

The actual expenditure under this head in the year 1928-29 was Rs. 26,64,978, and in this year's estimate the figure has gone up to Rs. 28,04,000. I cannot understand the reason for this big increase of Rs. 1,40,022. The grant under this head ought not to go up higher and higher. After the recommendation of the Retrenchment Committee everyone believed that the expenditure under this head will come down in course of time, but, unfortunately, for the people of Bengal things are happening contrary to their expectations. The total number of convicts admitted to the various jails in the year 1921 was 28,217. Of these, 15,455 were sentenced to terms of imprisonment not exceeding three months, and 7,975 to terms not exceeding one month. If this very large number of short sentences could be materially reduced, the interests of economy and the views of modern penologists would both be met.

The number of under-trial prisoners admitted during the year 1921 was 40,127, and the average period of detention was in session cases 39·58 days, and in other cases 19·62 days. This is a matter which relates to criminal administration but it is clear that any measure that would reduce the number of under-trials and decrease the period of detention would effect economy in the Jails Department. A more speedy disposal of cases, and a greater readiness to grant bail are required.

This was the opinion of the Retrenchment Committee, but the administrators of justice do not care to act up to these recommendations; they are always loath to grant bails even to persons of Srijut Subhas Chandra Bose's standing not to speak of ordinary people, and as for the speedy disposal of cases the less said the better. As regards the reduction of number of sentences, the people all over the country were

amazed, nay horrified, at the heavy sentences passed on Sarat Bose, Dr. Das Gupta, and other Congress workers, for having joined a procession. These are instances of how justice is being administered and what sort of regard is shown towards the recommendations of the Retrenchment Committee by the agents of the bureaucracy. They know only the principle "No conviction, no promotion." They care very little for the people's interest————

Mr. PRESIDENT: Order, order. Your motion is not for a token cut but for a substantial reduction you should not merely discuss the question in the general manner that you are doing. You should explain why you propose this cut.

Dr. AMULYA RATAN GHOSE: Yes, Sir. It has been shown in the report of the Retrenchment Committee how the cut can be effected, namely, more bails and lesser number of convictions.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir. I am sorry to interrupt Dr. Ghose, especially as he is a new member. Any criticism of the jail administration will be relevant, but any criticism of the administration of justice will be wholly irrelevant.

Mr. PRESIDENT: That is so. The member must confine his remarks to the relevant head.

Dr. AMULYA RATAN GHOSE: Now, Sir, my point is that according to the report of the Retrenchment Committee the estimates can be reduced. I also base my remarks on the fact that the actuals for last year were much lesser than what has been estimated for this year. Although, as has been pointed out by the Hon'ble Sir Provash Chunder Mitter, the points that I was discussing related more to the administration of justice than to jails, I beg to say that I base my arguments on the report of the Retrenchment Committee, and upon that basis I was pointing out that money could be saved if bails were readily granted to accused persons————

Mr. PRESIDENT: That is not relevant. Members should realise the character of their own motions. If they do not realise that, they are bound to go astray. In your case, Dr. Ghose, it is an economic cut proposed with regard to a particular head. You cannot go beyond that head. The administration of justice does not come within the scope of your present motion.

Dr. AMULYA RATAN GHOSE: The administration of the Jail Department is rather top-heavy. The expenditure on the establishment and pay of officers is greater than the amount spent on the comfort of the prisoners. As has been shown by a previous speaker, mosquito curtains and nets are not supplied to the prisoners, and although mosquito nets and curtains, as has been stated by the Hon'ble Sir P. C. Mitter, are not really required for preventing malaria————

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir, the hon'ble member has moved a cut, but he is now criticising why more money is not spent for supplying mosquito curtains to the prisoners—matter which has already been discussed.

Mr. PRESIDENT: Is it your point that the matter has already been discussed?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes. Besides, Sir, he wants to make the substantial cut of Rs. 50,000 putting forth at the same time suggestions, which, if accepted, will require higher budgeting than has already been done.

Dr. AMULYA RATAN GHOSE: My point is this. If money is saved under this head, that money can very well be utilised in providing comforts in other respects for the prisoners.

Mr. PRESIDENT: You are referring to a particular comfort about which the House has already given its opinion. Then again, you have proposed a substantial cut without making any definite suggestion as to how you are going to give effect to it. Under such circumstances it is somewhat curious that you should come forward with a proposal which has a tendency to increase the actual amount demanded by the Hon'ble Member. (Laughter.)

Dr. AMULYA RATAN GHOSE: Very well, Sir, I have already said that the amount provided this year is much bigger than the actuals of last year. I do not know the reason for this big increase. Although the estimates this year are higher than last year's actuals by Rs. 1,40,022, I have asked for an economic cut of Rs. 50,000 only, and I think that will not seriously affect the administration of jails.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 24th March 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 24th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the Hon'ble Mr. A. N. Moberly, C.I.E., the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., the Hon'ble Alhadj Sir Abdelkerim Ghuznavi, KT., the three Hon'ble Ministers and 117 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Residential family quarters for the assistants of the Bengal Secretariat.

90. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether Government had ever contemplated building residential family quarters for the assistants of the Bengal Secretariat in Calcutta?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state why the idea was abandoned?

(*c*) Are the Government considering the desirability of taking up the question again?

(*d*) Is the Hon'ble Member aware of the difficulty of the mufassal assistants in securing good accommodation in Calcutta owing to the prevailing high rent?

SECRETARY to GOVERNMENT, FINANCE DEPARTMENT (Mr. A. Cassells): (*a*) No.

(*b*) The question does not arise.

(*c*) No.

(*d*) Yes. But the rates of pay of Secretariat assistants have been fixed with reference to the house rent and other conditions of living in Calcutta.

Subscriptions to the Sports Club by the piece-workers of the Bengal Press.

91. Maulvi LATAFAT HUSSAIN: Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that piece-workers of the Bengal Press are forced to pay the subscriptions for the Sports and Dramatic Club even when they do not work?

Mr. A. CASSELLS: No. Subscriptions to the Sports Club of the Press are entirely voluntary. There is no Dramatic Club at present.

Recruitment of computors and Press order clerks in the Government presses.

92. Maulvi LATAFAT HUSSAIN: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is the practice in the Government presses to recruit computors and Press order clerks from amongst the compositors with technical knowledge?

(*b*) Is it a fact that new hands are recruited to the posts of computors and Press order clerks ignoring the claim of the compositors?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

Mr. A. CASSELLS: (*a*) The practice of promoting compositors to the clerical establishment as computors has been stopped for some years past as it was found that the educational qualifications of compositors did not fit them for this class of work.

(*b*) Computors are appointed by direct recruitment for the reasons stated at (*a*). Press order clerks are recruited from compositors according to their educational qualifications, seniority, etc.

(*c*) Does not arise.

Number of posts of head assistants in the Bengal Secretariat.

93. Babu HOSENI ROUT: Will the Hon'ble Member in charge of the Finance Department be pleased to state how many posts of head assistants are there in the Bengal Secretariat and how many of them are held by Hindus and Moslems respectively?

Mr. A. CASSELLS: There are 29 posts of head assistants in the Secretariat, out of which 22 are held by Hindus, 3 by Brahmos, 3 by Anglo-Indians and 1 by a Muhammadan.

DEMANDS FOR GRANTS.

The discussion on the head "25.—Jails and Convict Settlements" was then resumed.

The following motion was, by leave of the Council, withdrawn:—

"That the demand of Rs. 28,04,000 under the head '25A.—Jails' be reduced by Rs. 50,000."

The following motions were called but not moved:—

Babu HARI BANSA ROY: "That the demand of Rs. 28,04,000 under the head '25A.—Jails' be reduced by Rs. 100 (management of jails—prison diet; and treatment of prisoners—particularly political prisoners)."

Kazi EMDADUL HOQUE: "That the demand of Rs. 28,04,000 under the head '25A.—Jails' be reduced by Re. 1 (neglect of the prisoners while pampering the staff)."

Dr. Sir NILRATAN SIRCAR: "That the demand of Rs. 28,04,000 under the head '25A.—Jails' be reduced by Re. 1 (to discuss a question of policy)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 33,89,000 under the head '25.—Jails and Convict Settlements' be reduced by Rs. 1,50,000."

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 33,89,000 under the head "25.—Jails and Convict Settlements" be reduced by Rs. 100 (to raise a discussion on the sufferings of the prisoners in general and particularly political prisoners).

Sir, I must at the outset confess that I rise to speak on this motion with a very heavy heart. To-day of all days it reminds me of the self-immolation and martyrdom of our best friend Jatindra Nath Das, the bravest son of Bengal. I have been the guest of His Majesty in several jails in Bengal and I will speak of the jail administration from my own experience as a convict and also as one of the non-official visitors. I have been in the Jessore District Jail, for some time in the Dinajpur District Jail, in the Rajshahi Central Jail, Alipore Central Jail and I have been also in the Midnapore Central Jail which I may call the "bastille" of Bengal. I am even now a visitor of the Khulna District

and Sub-Jails. When I was in the Jessore Jail one morning I saw that three hundred convicts were made to sit in a line and a man with a dirty bucket full of muddy water came along the line with a small tin cup in his hand and poured something into the mouths of the prisoners. I thought it was milk but I learnt afterwards that it was quinine solution. In the Alipore Central Jail and also in the Rajshahi Central Jail I have seen that compounders poured medicine into the prisoners' mouths without even asking them the cause of the disease or nature of it.

Now, Sir, I will give a description how the jail system is particularly punitive and vindictive. There are, as everybody knows, in the Jail Code brutal systems of punishments and prisoners are put with bar-fetters, cross-bar-fetters, etc., and sometimes they are hung up standing with handcuffs on. I know that punishment is awarded in the Alipore Jail for trivial offences like losing *gamcha* or kit. I do not understand how they lose these things. After an enquiry I came to learn that the warders, who generally come from Bihar and the United Provinces and not from Bengal, are generally raw fellows and they take away these *gamchas* from prisoners and sell them out even for four pice and two annas. As regards the bar-fetters, I think it is the most vicious and cruel arrangement as the man with such fetters cannot sit or lie down. Cross-bar-fetters are even more serious as with such fetters a man cannot stand or sit down and the Muhammadans cannot properly say their prayers. I know, Sir, that the warders and the head warders and the people below the head warders, who work in the jail, walk like supreme lords of the jail and they require the prisoners to *salam* them and a man with a bit of self-respect cannot tolerate all these things. I have seen with my own eyes that in the jail compound they ask the prisoners to come over to them and rub their feet. They speak in Urdu *Hian akey hamara gor dabao.* This is the most objectionable feature of the jail administration which continues even after the report of the Pearson Committee and other committees and Government have not found their way to get rid of these Biharee warders.

As regards the utensils, in which the food is distributed, they are generally iron utensils and therefore they are objectionable, as they are admitted to be poisonous and sometimes they have been used by the prisoners as both defensive and offensive weapons.

As regards methars, I mean sweepers, I think it is really most objectionable. In the mufassal men are deputed from the ordinary prisoners, either Hindus or Muhammadans, and asked to do this work. I asked the jail authorities to do away with this system and they said that it is done with the consent of the prisoners. That is not the point, Sir, The prisoners are made to do this work in order to be saved from the oppression of their warders. I know that even in Satkhira Jail a Musalman is doing the work of a methar. I asked him why he had become a methar and after cross-examination I brought out of him

that he was compelled to be a methar though he was not a methar—he was a man of good social position—but for some reason in a rioting case he had to go to jail owing to some indiscretion. This is a system which prevails in most of the jails.

As regards jail visitors, I may say that when they go and visit a jail they cannot elicit any information from the prisoners because the lordly head warders go round and ask the prisoners not to complain anything to the visitors. If they complain anything to the visitors then they will get what is called *dholai*, a sort of punishment. I have seen with my own eyes that if a prisoner proves a little obstinate these convict warders, who are the most vicious persons, put several blunted iron balls inside a gunny bag and beat the prisoner right and left. I know of a man named Basiruddin who was very brutally treated. I was called by the Superintendent of the Alipore Central Jail to corroborate this thing which I did. I understand that some reference was made to it last year in this House. I went to the Alipore Central Jail and I proved to the entire satisfaction of the Superintendent that this was the punishment in some of the jails even in the Alipore Jail in Calcutta. There is another thing which I cannot help saying, a most objectionable one, and this is the system of *salaming*. I do not know when it was introduced. Sir, whenever a Superintendent enters a jail the cry goes out "*Sircar ko salam*" and every prisoner has to stand up with his hands up and salute the lordly Superintendent. Every early morning at 5 o'clock when the jailor goes out he ought to be given that sort of *salam*. I do not know under what circumstances I was exempted from giving this sort of *salam* to the Superintendent. Well, I was in the Central Jail and there I found the treatment which is accorded to European prisoners. I was talking to some of the hon'ble members here and I was told that if the Europeans are given the same class of food as Indians they would die. But I told them that I knew the position and the social status of the Europeans who went to jail. I know the people of Bengal are quite familiar with things like *kalar thore* which is given to prisoners at Hajshahi. I complained to His Excellency the Governor when he visited the Rajshahi Jail and where I was also confined and complained also to the Hon'ble Mr. Moberly but without avail. I said a hungry dog would refuse to take it. Owing to my complaint I was at once transferred to the Alipore Central Jail and there I was kept in solitary confinement. I was a prisoner in the Midnapore Jail when I was in the prime of life, namely 32, and even 4 months out of my 6 months' imprisonment in Midnapore Jail were enough. I have properly called the Midnapore Jail the "bastille" of Bengal. I remember that a Kanungo who was in Government service and had to go to jail succumbed to leprosy. On my transfer I requested the Superintendent not to transfer me to Midnapore but to Honolulu or anywhere in the world.

Sir, what I was talking about European prisoners is, as members know, that in the category of European prisoners, Chinamen, Portuguese, Goanese and Kafirs are put, everybody except Indians, and the food they get inside the jail, I assure you, they cannot get outside. I know the habits of Europeans, their education and culture. Inside the jail they get Rs. 29 for food, while an Indian gets Rs. 4-8 a month. I can assure this House that the vices that prevail in the jails they are very serious and I can assure the Hon'ble Member-in-charge that if he would go with me to-morrow to the Central Jail I could prove to his entire satisfaction what sort of unnatural vices are going on almost in every jail of Bengal.

[At this stage the member reached the time limit but was allowed by the Hon'ble the President to continue for a minute more.]

I am now to speak about smuggling. As a visitor I have often pleaded for the introduction of smoking, but the authorities would not accept my suggestion. As regards the condition inside the jail, I would like to assure the House that everything, i.e., *ganja*, *charas* and opium is smuggled into the jail by the warders. Therefore I would request the Hon'ble Member Sir Provash Chunder Mitter, to consider the matter of giving tobacco to prisoners. I understand that in Lahore and some other jails this system is being introduced in order to do away with smuggling of *ganja*, etc.

For these reasons we say that criminals are really manufactured in jails. Honest people after a term of imprisonment come out as criminals. I have seen some prisoners to keep even 27 guineas inside the throat. I do not know how they earn this amount of money. They generally *keep* it inside the throat—it is called *khopra*. Now, I think, I have been able to convince this House that the system prevailing in Bengal jails is barbarous, vicious, cruel and what not, and I appeal to this House and hope that when Subhas Chandra Bose, J. M. Sen Gupta and other bravest and noblest sons of Bengal are in jail the elected members will unite and go with me to the lobby.

With these words, I commend my motion to the acceptance of the House.

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): Sir, Mr. Jalaluddin Hashemy has very strongly criticised the jail administration. He has started by informing the House about his personal experience of jails. I can well understand that his personal experience might have made him a little bitter about the jail administration; but I can assure him that others who also have personal experience are not so bitter about the jail administration in Bengal. Mr. Hashemy has practically concluded his speech by saying that the system prevailing in Bengal is vicious, cruel and so forth. By that I suppose he meant to indicate

that as compared with the jails in other provinces Bengal jails are very much worse. I may say this that other gentlemen, gentlemen of position and social standing, who had the misfortune of being in jail not because of any moral turpitude, but because they offended against man-made laws, some of them, at any rate, say that Bengal jails as compared with other jails are very much better. Sir, nobody can expect a pampered treatment in jails. But the treatment which one has a right to expect and the treatment which the jail authorities desire to mete out is that when a man goes to jail he must be kept in health. Every attempt should be made to improve his moral standard, although on that point much will depend on the material and the experience of the jail authorities is not always a very successful one.

Now, Sir, that is the penological principle accepted by all countries and the jail authorities here try their utmost to act according to this principle, namely, that the prisoner's health must be maintained and efforts should be made to improve the moral side of the prisoner. Now, if health has to be maintained, it stands to reason that man's previous standard of life plays an important part. It is because a man's previous standard of life played an important part that five or six years previously certain prisoners were given privileges of special class prisoners. I admit, Sir, that under the Jail Code then in force the only way in which such special class prisoners could be classified as such was to classify them in the same category as European prisoners; but recently members of this House are aware that a good deal of agitation was raised on that point and the Government of India went into the matter fully. First of all, with members of the Legislative Assembly, then with members representing various provincial Governments and finally again with members of the Legislative Assembly. Very recently the Government of India issued their decisions and on those decisions the question of racial discrimination has been removed. One of the criticisms of Mr. Hashemy was that the European prisoners are pampered and Indian prisoners are badly treated. Now I do not propose to tire this House by going to the various details of the decisions of the Government of India, but I would say generally that the principle laid down is based on a paragraph of a letter of the Government of India which, I believe, was placed before the members of the various Jail Committees in this province and that paragraph was this:—

"The Government of India regard as fundamental the proposition that the standard of jail treatment for various classes of prisoners while avoiding any tendency towards extravagance should be sufficiently high for the maintenance of the health and the strength of the class concerned."

Acting on that general principle what the Government of India have directed is that there will be one class of prisoners who may be described as Division I prisoners; irrespective of race, be he a Hindu

or a M lan, his treatment will be better than that of the present special class prisoners. There would be a second class of prisoners, and here again according to the recent decision there would be no question of discrimination, and this class would be placed more or less in the position analogous to that of the present special class prisoners and the rest of the prisoners would be treated as Division III prisoners. Now it may be said why should there be all this differentiation inside the jail, where they are all guests of the Government. The reason is that sound penological principle requires that the standard of life of a particular prisoner should be maintained. Suppose an Indian who is nurtured tenderly has the misfortune to commit an offence which involves no moral turpitude; suppose a man in driving his car kills another man. It may be that his act was rash and negligent and that man should be sent to prison. Though there is no moral turpitude involved in his case, his rash and negligent conduct in the interest of society must be punished. Well, that man, if he is nurtured in a particular way and is given the same kind of diet as is given to a hardy son of the soil or is treated as a manual labourer, he will not only be doubly punished—the question of double punishment is not really relevant in jail administration but is a matter for the courts—but he will come out of the jail as a physical wreck. Therefore if we accept the sound penological principle that the prisoner's health must be maintained, there is justification for treating him without extravagance and without pampering him but according to such standard as will enable him to maintain his health.

3-30 p.m.

Now, Sir, I will give another illustration. Take a man who occupied a good position in life, and let me assume that such a man was a European. Recently there have been one or two convictions, at any rate, one conviction in which a European gentleman well educated and occupying a good position in life was convicted, and there was an element of moral turpitude in that conviction. He was found guilty and punished. Therefore, take that man as an illustration, and take the first illustration, i.e., the man who by mere rash and negligent driving killed a man. There ought to be a difference between these two cases. The second man ought to be placed under division two, but there should be no hesitation in placing the first man under division one. After this frank statement that in future there will be no racial discrimination, the discrimination will only be based on the standard necessary for the maintenance of health, I should think that much of the criticisms with which we were familiar in the past would be removed. These orders have been passed and we have already started following them and revising our own rules, and I hope and trust that it would be quite possible in the next three or four months, at any

rate certainly six months, to publish our rules. In the meantime, pending the preparation and examination of the rules, we have already taken steps to give immediate effect to the decision of the Government of India. This is so far as the criticisms of Maulvi Jalaluddin Hashemy about the special treatment of European prisoners as compared with Indian prisoners are concerned. Maulvi Jalaluddin Hashemy has treated the House with a long tale of generalisation of bad treatment of prisoners in jail. Well, Sir, I should like to remind the House once of the fact which Maulvi Jalaluddin Hashemy has incidentally referred to. Every jail visiting committee includes two members of the Legislative Council as non-official visitors—two for each central or district jail and one for each subsidiary jail, and until very recently many of the Swarajist members of this Council were also jail visitors. If there are specific grievances, that is primarily a matter for the jail visitors to record. It is their primary duty to record in their report any such grievance. I can assure the House that any adverse comment recorded by a jail visitor receives the closest attention not only of the Inspector-General of Prisons, but of the Secretary dealing with the department, and the Member-in-charge. Therefore, if there are specific complaints, this is not the place to deal with them. No doubt if your object be merely to air your grievances generally, you may hope to make a good effect on the House, but if your object is to remove the grievances—at any rate it ought to be the object of the elected representatives of the people in this House to remedy defects where defects exist, then specific defects should be recorded by jail visitors. I may assure the House that nobody is keener about proper jail administration than the Inspector-General of Prisons, not only the present incumbent, but the former one, Lt.-Col. Hamilton, who is no longer with us, and any representation made to him will receive his careful consideration. I remember on one occasion, Mr. Jitendralal Bannerjee did bring to the notice of Lt.-Col. Hamilton certain allegations. Enquiries were forthwith made and Mr. Bannerjee and Mr. Bijoy Krishna Bose, whose name, I believe, was mentioned in this connection, were written to, and evidence of likely persons was asked for. So far as I remember ultimately those who made the complaint were satisfied that a full enquiry had been made. Now, I may assure the House that if any specific allegation is made to the Inspector-General of Prisons, he will surely enquire into it, and if after that enquiry, members of this House are not satisfied, I am prepared to look into it, if I remain in charge of this department, and I am sure any other member who may take charge of the department, will do so. Those who complain should remember one thing that general allegations cannot be enquired into; only specific allegations can be enquired into. In the atmosphere of a jail a person may complain, but when it comes to his coming forward and proving that complaint, he may not be so willing. That may be a misfortune common

to the institution of jail, but that is an existing fact. So far as I am aware, and I have closely examined the question, every Superintendent is anxious to make jail administration above criticism. Some of them are European officers of great experience and others are Indians of great standing. I am sure if any member desires to really improve the administration of jails, he may do so far more effectively by putting the Superintendents in possession of specific facts. The Superintendent has many ways of enquiring into complaints far more effectively than the Inspector-General or the Government.

Babu JITENDRALAL BANNERJEE: May I have your permission, Sir, to state one thing in this connection?

The Hon'ble Sir PROVASH CHUNDER MITTER: I shall be very pleased, Sir, to answer any question that may be put by my friend Mr. Bannerjee.

Babu JITENDRALAL BANNERJEE: With your permission, Sir, I have only one thing to say so far as the reference made to myself by the Hon'ble Member-in-charge in connection with the enquiry referred to is concerned. I forwarded evidence and Mr. Jalaluddin Hashemy was examined in that connection, but we were never informed of the result of the enquiry.

The Hon'ble Sir PROVASH CHUNDER MITTER: I never knew that my friend was not informed of the result of the enquiry. So far as my memory goes, I believe, Lt.-Col. Hamilton told me that some of the gentlemen who complained, whether Babu Jitendralal Bannerjee or Babu Bijoy Krishna Bose or any one else I do not remember, were informed. It may be, however, that he thought that verbal communication was enough. Our main point is that when a specific complaint is made, an enquiry is promptly made with such material as is available. One word more and I have done.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to tell us about the methar service?

The Hon'ble Sir PROVASH CHUNDER MITTER: About the methars, my information is that many convicts willingly want to take up this avocation in jail. Mr. Hashemy said that they are not willing, but I can only say this that whatever these allegations may be, the best way of dealing with them, as I have already said, is to bring them to the notice of the Superintendent in the first instance———

(The time-limit under the head "25.—Jails and Convict Settlement" having been reached the Hon'ble Member resumed his seat.)

The motion of Maulvi Syed Jalaluddin Hashemy was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nurul Absar.
Chawdhury, Haji Badi Ahmed.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazlul.
Khan, Maulvi Tamizuddin.
Lal Muhammed, Haji.
Law, Mr. Surendra Nath.
Malti, Mr. R.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prosad.
Rai Mahasei, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Reut, Babu Hoseni.
Rey, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Cassells, Mr. A.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sunil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Laird, Mr. R. B.
Maguire, Mr. L. T.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. C. F.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 53 and the Noes 45, the following motion was carried:—

"That the demand of Rs. 33,89,000 under the head '25.—Jails and Convict Settlements' be reduced by Rs. 100 (to raise a discussion on the sufferings of the prisoners in general and particularly political prisoners)."

The following motion was not put as it was covered by the foregoing decision of the Council:—

Dr. AMULYA RATAN GHOSH: "That the demand of Rs. 28,04,000 under the head '25A.—Jails' be reduced by Re. 1 (no provision for mosquito curtains in the jails in the malarious districts)."

The motion that a sum of Rs. 33,89,000, as amended by the Council, be granted for expenditure under the head "25.—Jails and Convict Settlements" was then put and agreed to.

The time-limit having been reached the following motions under the head "25.—Jails and Convict Settlements" were not put:—

Dr. AMULYA RATAN GHOSH: "That the demand of Rs. 5,77,000 under the head '25B.—Jail manufactures' be reduced by Rs. 10,000."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 33,89,000 under the head '25.—Jails and Convict Settlements' be reduced by Rs. 100 (to criticise the general policy of jail administration)."

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 33,89,000 under the head '25.—Jails and Convict Settlements' be reduced by Re. 1 (to discuss about giving the convicts facilities to perform their imperative religious duties and matters in connection thereto)."

26.—Police.

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,96,93,000 be granted for expenditure under the head "26.—Police."

Mr. PRESIDENT: Is there any objection if I have one discussion on motions Nos. 242 to 250? I think we had better do that.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 31,61,000 under the head "26A.—Presidency Police—Calcutta Police" be reduced by Rs. 5,00,000.

Sir, in moving this motion I beg to say a few words as to the undeniable fact that all good Governments have a higher mission than the mere police duty of maintaining peace, order and security among individual people. In fact they ought to do more for their citizens than merely prevent them from or prosecuting for robbing or murdering one another. I say that under the present circumstances of the country the Government does not do all that it can or ought to do, when it merely tries to protect the individual from violence and fraud and leaves

him along to struggle against ruinous conditions, such as penury, illiteracy, etc., which the State alone is capable of removing. The jurisdiction of the Presidency police extends including the suburbs approximately over 30 square miles. There are one Commissioner, 15 Deputy and Assistant Commissioners, 56 Inspectors, 100 Sub-Inspectors, 199 Sergeants, 487 Assistant Sub-Inspectors, and 54 Indian officers of the armed police, 388 sepoys and 3,486 constables. It is a huge force and two and a half times larger than that of Glasgow which has only 2,000 heads in the police. The police force of Bombay and Madras cities, in reference to area and population, are remarkably less than that of Calcutta. Each year we find that the number of crimes has been increasing. In 1923 we find that out of Rs. 18,41,042 worth of stolen property only property worth Rs. 4,78,356 was recovered. In 1924 out of Rs. 14,42,332 worth of stolen property only Rs. 2,77,248 worth of property was recovered. In 1925 out of Rs. 12,99,065 worth of stolen property only Rs. 2,46,106 worth of property was recovered. In 1926 out of Rs. 10,88,467 worth of stolen property only Rs. 2,04,945 worth of property was recovered, and this sort of thing is taking place up till now. What do these figures indicate? This shows the inefficiency of the police and nothing else.

Sir, in the recommendation of the Retrenchment Committee (page 61, paragraph 188) I found that the recommendations were five Deputy Commissioners and six Assistant Commissioners, that is, a total of 11 in all, whereas at present there are 15 Officers. Clothing charges, as shown in this year's estimate, is also too high—Rs. 1,93,251. This is too heavy and the Committee considered—I mean the Retrenchment Committee—that there was extravagance here and it had proposed the reduction of 25 per cent. Regarding pay, the average pay in the Calcutta Police is higher than the Bengal Police. The Committee opined that the cost of living is higher in Calcutta than in the mufassal but on the other hand there is abundant evidence that officers prefer Calcutta on account of its educational and general facilities. Inspectors and Sub-Inspectors are kept supplied with kit, a benefit which the corresponding ranks in the mufassal do not receive and the residential difficulty in Calcutta is met by the grant of generous house allowances. We are doubtful if the disparity of pay of Inspectors can be justified. This was the opinion given by the Retrenchment Committee in its report (page 63, paragraph 191). Then as regards rents, rates and taxes out of a total expenditure of Rs. 31,61,000 it is certainly a huge sum estimated for rents, rates and taxes and the Committee in its report has written "the rates appear to vary considerably in all grades and on the whole seem to be extravagant." This was the opinion of the Retrenchment Committee. As regards "Other charges" in the budget estimate, we find that provisions have been made under different heads, e.g., travelling allowance, house rent, and other allowances, compensation for dearness of food,

clothing charges, contract contingencies, other non-contract charges, etc. I do not really understand what other charges are left for which Rs. 2,000 including non-voted is set apart under the head "Other charges." In spite of that I fail to understand what "Other charges" means and therefore I submit that although the expenditure is increasing every year by leaps and bounds it is a regrettable fact that the efficiency of the police has not increased to any appreciable extent. The foot-paths are impassable on account of the numerous shops held on them. Innocent men are daily victimised by bead-gamblers. I know there is a network of organised bead gamblers throughout the city, and they have in their employment hundreds of agents. Some years ago I fell into their trap. I was requested to call at a big zamindar's house at Sova Bazar Street by one of his agents who posed himself as the zamindar's durwan. I went there, the so-called zamindar was not there, his manager as I was told, showed me much respect, and requested to wait a little. I waited for a little while when the zamindar came and the manager introduced me to his master. The zamindar enquired of me whether I would be able to go to Benares to treat his mother who was staying at Benares. When these conversations were going on a man came there and said, "Sir, I am a magician, and if you will kindly permit me I may please you with my wonderful performances." The zamindar permitted him and this so-called magician began to count the beads which he had brought with him. He told the zamindar that—"Sir, I know you have spent a large sum in betting in the races and it will be really interesting to play these beads if we agree to betting." The zamindar agreed and played three times and each time he lost a thousand rupees to that man, the zamindar smilingly paid him Rs. 3,000 and went upstairs requesting me to wait a little as he would soon come back. In the meantime the manager began to allure me and induce me in a play with his master. After a short while when his master returned the manager told him that the doctor was desirous of playing with him. He was much pleased to hear this proposal and invited me to play. But I told him that I had not brought money with me. He was much disappointed and at once moved away telling his manager to keep in readiness Rs. 25,000 next day so that he could play with the doctor. While he was going away I reminded him of the purpose for which he had called me. While going away hastily he told me that it was too late to settle then and would settle it the next day. On my return home I related this to an Inspector of the Criminal Investigation Department and told him that I could take him to the place and would help in arresting the gang, but the Inspector told me that there was a very clever class of men that even the best policemen of Calcutta were not able to arrest them. It would be sheer waste of time and energy to attempt. What we did in these cases was to catch hold of the agent, if possible and give him a good thrashing, so I gave up all hope of bringing these men to book.

4 p.m.

Only recently about a couple of months ago a Muhammadan fellow posing himself as a hide merchant of Calcutta came to me at the south-western end of the Curzon garden talking with a constable. I often come to know of men being victimised by this gang, they are carrying on this nefarious business on such a wide scale in this big city without being checked, it is a matter of great shame to the police. I do not believe that the police is unable to extricate them but they do not care to round them up—the reasons are not far to seek. Comparing the huge sum spent on the police force we get in return very little help from the police. This shows that the lives and property, the protection of which depends on the police are insecure as ever. Murders and stabbings go on merrily in the broad daylight in the streets of Calcutta and remain untraced. Abductions and enticements have become an everyday occurrence. But the self same police force for which we spend so much of our hard-earned money, become vigilant and abnormally active at the time of public meetings. Here the police are found dispersing the innocent non-violent school-boys and disciplined volunteers of social, religious and political organisations by freely using their iron-clad man-killing lathies. The football season is coming and one will find that the police are dispersing the innocent and respectable spectators by means of batons and lathies. When there is no chance of any breach of peace it is the appearance of the police which is responsible for a breach of the peace; it is they who break the law first and create *golmal*. We should not encourage this sort of thing and grant more and more money for it every year.

It is high time for the Government to retrace its steps back and cry halt. Volumes can be said of this pet department of the Government but all in vain; it is nothing but crying in wilderness. We should not encourage the lavish and extravagant expenditure on the police and hence I appeal to the House to reduce the demand by Rs. 5,00,000. The police is meant for the protection of the people but when a man is really duped he gets very little or even no protection from the police. Complaints are not entered into the diaries in the cases of illiterate or half educated men. One can merrily go on with his nefarious business if he can enlist the sympathy of the so-called angels of peace. These people certainly get the protection but seldom they who are the easy prey of these pests of the town. The cost for the maintenance of the Calcutta police is borne by the people of the whole province but it is a sad irony of their fate that the mufassalites are in most cases the easy victims, and they are the people who are paid very little attention to by the police.

Regarding the expenditure one will see that last year the Police estimate was raised by Rs. 5 lakhs and this year it has been raised by

Rs. 5 lakhs. This is a big increase and I do not know whether any reasonable case can be made out by the Hon'ble Member-in-charge for this huge increase.

Sir, in conclusion I would say that we have not come here to play the rôle of the Swarajists. We have come here to co-operate with Government when possible and oppose when we must. I do not want to be misunderstood. We have not come here to wreck or paralyse the Government by constant opposition but to work the reforms. We have entered the Council to the greatest chagrin of the majority of our countrymen with the only hope of proving to the people that the reforms if worked will be of real benefit to the people. But, Sir, if the grants to the police and other reserved departments are made abnormally high the natural consequence is bound to follow that the nation-building departments will suffer from inanition. I have been testing the sincerity of the Government by moving small cuts during the last week and I must say that I am to a great extent despaired of: Sir, my appeal to those on the opposite side through you is not to force us to adopt the policy of our Swarajist predecessors by their adamantine and unyielding attitude. The rejection of such reasonable cuts as I have moved now will be as disheartening and as displeasing as it will be intolerable for all concerned with the welfare of the country. If I am permitted to say, I may assert in no uncertain words that that way does not lie the remedy. We have to go deeper into the evil and must get to its roots. If we are really bent upon eradicating criminal propensities in man we should first of all banish illiteracy, unemployment, etc., from our province. We should in the next step provide larger sums of money for the adequate equipment and adornment of the massmind killing thereby all the criminal and evil propensities in man. Sir, this way lies the remedy. In proportion as society emancipates itself and increases in population and complexity, as it passes from the savage to the barbarous and from the barbarous to the civilized state, a higher moral duty than that simply of a policeman is laid upon the Government, namely, that of contributing to the perfection of the national life, to the development of the nation's wealth and well-being, its morality and its intelligence. With the gradual growth and development of the intellectual capacities of the citizens the need for the police constantly diminishes. But this accepted order of things is in practice just reversed in Bengal.

I have a few words to say regarding the money allotted under the head "Secret Service." There is no justification for the grant of the demand for Rs. 27,000 under this head for Secret Service and Rs. 3,000 as reward to private persons. Secret Service money Rs. 27,000 and again Rs. 1,12,000 under head "Criminal Investigation Department." It is not known how and when and where this money is spent. No one knows whether from the Secret Service money, the wretched creatures known as agent provocateurs are provided. The Hon'ble Mr. Moberly

might deny this charge but he should tell us for what purposes this money is spent; we have a right to know this. We believe that the habitual offenders, panwallas and biriwallas are engaged for giving evidence in police and political cases. It is really a mystery to us that we are not as yet informed as to how this money is spent although so much exercise of the lungs is done by the hon'ble members of this House every year. How can the Government demand such grants the object of which it has not the courage to disclose even to those who will pay. Poor men's money is spent but their representatives are kept in the dark: this gives us the suspicion that however may the Government deny the charges the fact is apparent that this money is estimated only to maintain the spies, informers, and some vagabonds at the cost of the public to serve the public in a most reprehensible manner. The opinion of Sir Reginald Clark in the year 1925 is worth reiteration: "I have had much experience of these agencies in the East and often wonder whether they do not raise more devils than they lay." The late Commissioner of Police, Calcutta, gave this glowing testimony to these men of the Secret Service. These men can do things unimaginable by the people; they can make or mar the future of many an innocent soul. It is in their power to put A into jail where the real offender is B. In this way the prospects of hundreds of youths of our country have been cruelly hampered. Was it not that hundreds of our young hopefuls had to undergo the awful hardships of internments, were they not the future hopes of their parents forcibly taken away merely on the report of these informers. Their very name is a bugbear to the youths of Bengal. It will be an unpardonable sin on our part if we agree to vote even a single pice for secret service. Let the Government get the demand passed by all means but we refuse to be a party to that unholy business.

Mr. PRESIDENT: I do not know if the Hon'ble Member would like to take up this motion first because it relates to the Calcutta Police and may be excluded from the group which I have drawn. He may or may not do so, however.

The Hon'ble Mr. A. N. MOBERLY: I think, Sir, all the motions you mention belong to the head "Presidency Police" but I am prepared to deal with this particular motion separately because I shall want much more than half an hour if I am to deal with all the motions together.

To begin with, this motion seems to me to be based on an error in arithmetic. It is proposed to cut the demand for the Calcutta Police by Rs. 5 lakhs because it is said that it is Rs. 5 lakhs more than that for last year. But actually this year it is Rs. 25,000 less. After this brief explanation the mover may perhaps withdraw his motion. However, in case he does not, I will go on.

He proposes to reduce the demand for the Calcutta Police by Rs. 5 lakhs but he does not show where this Rs. 5 lakhs is going to come from. The Retrenchment Committee proposed to reduce the number of Deputy Commissioners, Assistant Commissioners, but even if it were reduced to what the Retrenchment Committee recommended the saving would not come anywhere near Rs. 5 lakhs.

Then the mover complained that the clothing charges were too high. The expenditure on clothing charges is chiefly incurred on clothing the constables and I do not know whether the member expects that we shall be able to get constables who will find their own clothes and be decently dressed.

4-15 p.m.

Personally, I am very much inclined to doubt it. There was a time when private servants used to find their own clothing but that time is vanishing very fast.

Then, the mover complained that the pay of the police officers in Calcutta was higher than in the mufassal, although officers prefer Calcutta. The Calcutta Police Force is quite a separate force from the mufassal force; so there is no question of transferring officers of the Provincial and Subordinate services from the mufassal to Calcutta. Actually, it was found that on the pay which we were giving to constables, head constables and sergeants up to 1928 we absolutely could not get men, though there were a large number of vacancies to be filled up. People were taken in who barely passed the medical test or did not pass it, in order to fill up the gaps; they went to the training school and money was wasted on their training, as they resigned or were discharged owing to their unfitness. All that caused a considerable waste of money and the result was that their pay had to be increased. We increased the pay of these particular ranks because we could not fill the posts. We did not increase the pay of Sub-Inspectors, although they had a certain amount of grievance; the reason is that as we had no difficulty in filling these ranks, we wanted to avoid charging the people of Bengal anything more than could be helped. I think if the mover will consult the superior ranks of the Subordinate service in the Calcutta Police, he will find that they consider that they are by no means over-paid.

Then, the mover spoke of rents, rates and taxes. We borrowed some money from the Government of India and we built some new thanas. The result of that has been that the rents, rates and taxes, I am glad to say, have decreased and not increased. Previously they were, I admit, increasing by leaps and bounds, due mainly to the rapacity of the Calcutta landlords. However, we have now got better buildings in central Calcutta and we hope later on, perhaps in 1931-32, to come up to the Council for sanction to a loan to be taken to improve the police buildings

in the suburbs, and I hope that with a view to reducing these items of rents, rates and taxes, they will gladly vote the sum required. The increase in expenditure has mainly been due to the increase in the pay of the lower ranks of the police as I have just pointed out. Actually, we are asking this year altogether for the Presidency police Rs. 5,000 less than we asked for last year, and that notwithstanding the fact that we have provided for a slightly increased establishment in the Public Vehicles Department, which is a matter of supreme importance to the public and which pays for itself, and also for police in the King George's Dock. If one has a large new dock, he has to get police to look after it, and in this particular case the Port Commissioners pay seven-tenths of the cost. I was not sure what line the mover would take in moving this motion and so I have not got the statistics which he has at his disposal. I think, however, that if he goes back a few years, he will find that the number of daylight robberies and stabbings, which he says are frequent, are considerably less than they used to be. In a crowded and congested city like Calcutta, I am afraid, that daylight robberies and stabbings will never be entirely absent; but the number has decreased very much, though in 1928 the number may have been rather larger than in 1927. That, however, was partly due to the return of a good many people who had been removed from Calcutta under the Presidency Area Emergency Security Act after the communal riots of 1926.

The mover then spoke about the smaller cost of the Police in Bombay and its smaller force. I think if he remembers the recent history of Bombay, he will find that the force there was found to be inadequate. I believe that they have just come up not only for an increase in the Police force but also for increased powers.

The mover has referred to a hardy annual, viz., the question of the proportion of stolen property recovered. I have had to deal with it every year that I have had to defend the Police budget. The reason, of course, is that a very large proportion of the property stolen is unidentifiable. It is also very difficult indeed to catch burglars with the stolen property unless they are caught red-handed. One may get information about a gang by means of the much despised secret service money, and when the police do get hold of a gang and round them up they get back a good deal of the stolen property, some of which is identified and some is not. But never will you find that any considerable proportion of the property can be recovered unless the men are actually caught in the act of stealing. Next comes the case of the bead-gamblers. I seem to remember having seen in the papers that some of these people were tried and convicted in the courts, although I cannot at the moment give details about it.

Finally, I come to the question of the secret service money. The mover says, first of all, that there is no justification for it, and secondly that he does not know how this money is spent. If he knows how the

money is spent then what is the good of calling it "secret service money?" And if he does not know how the money is spent, then how can he say that there is no justification for spending it? As regards his remarks that the money is spent on agents provocateur, although there is not much use in saying anything about it, as he is apparently not prepared to believe me if I do, I can assure him that the money is not spent on such persons. The sum that is actually allotted to Calcutta is not very large. It is not only spent on dealing with political crime but it is also spent on detective work. Perhaps, members may remember that there was a case not long ago when a very extensive system of thefts from shipping up and down the river was detected. A certain amount of smuggling also goes on and the revenue has to be protected. There are also gangs of burglars and other criminals about whom we have to get information before we can bring them before the Courts. We are told on the one hand that the police are absolutely inefficient in dealing with criminals, but on the other hand, the mover wants to take away the small sum of money which assists them to do what they can, inadequate though he may consider the results to be.

The mover said something about hundreds of young men who had been interned. I think that the total number of people dealt with under the Ordinance of 1924 and the Bengal Criminal Law Amendment Act, 1925, was well under 200. He has also quoted a sentence from a letter written by a former Commissioner of Police. The letter was written sometime ago, and as far as I can remember it requires to be read as a whole. If you read only one sentence and leave out the rest, it gives a wrong impression. However, as I have not got the letter here, I cannot read it. It is possible that the Calcutta Police are not as perfect as they might be, but all the same I think that they are a force of which Calcutta has every right to be proud and that they are steadily improving. In the Commissioner, the Deputy Commissioners and the Assistant Commissioners of Police we have tried officers, who are anxious, above all things, to give Calcutta a thoroughly efficient police. If the mover has any specific complaints to make about the administration of the police and is not merely actuated by a desire to take away Rs. 5 lakhs from this grant to spend on something else and if he will get into communication with Sir Charles Tegart or Mr. Bartley or the Deputy Commissioner in charge of the particular section of the town where he lives, I can assure him that they will do everything they can to meet his complaints. Perhaps, the mover will now withdraw his motion.

Dr. AMULYA RATAN GHOSE: Fortunately or unfortunately, Sir, I have not been able to———

Mr. PRESIDENT: Dr. Ghose, you are not entitled to make a reply. You can either withdraw or insist on your motion being put.

Dr. AMULYA RATAN GHOSE: I beg to explain something about what the Hon'ble Member has said. He has asked me under what heads I want to cut the money.

Mr. PRESIDENT: If you want to say something by way of personal explanation, you may do so and in that case you must be very brief and absolutely to the point.

Dr. AMULYA RATAN GHOSE: Regarding the Deputy and Assistant Commissioners I have said that according to the recommendations of the Retrenchment Committee if 11 such officers be employed, a large amount of money can be saved.

The Hon'ble Mr. A. N. MOBERLY: Sir, I have tried to deal with this point. Even if we do this we shall not find the money.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

[At 4-30 p.m. the Council was adjourned for prayer and it reassembled at 4-43 p.m.]

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 20,000 under the head '26A.—Presidency Police—Port Police—Pay of Inspectors' be reduced by Rs. 3,800."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 38,300 under the head '26A.—Presidency Police—Port Police—Pay of Sergeants' be reduced by Rs. 5,100."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 30,28,904 under the head '26A.—Presidency Police—Pay of Establishment' be reduced by Rs. 80,304."

Maulvi SHAMSUDDIN AHMED: Mr. President, Sir, I beg to move that the demand of Rs. 41,08,900 under the head "26A.—Presidency Police" be reduced by Rs. 5,25,000.

Sir, just now Dr. Amulya Ratan Ghose has moved a motion on the Calcutta Police. My motion is for the Presidency Police, which covers Calcutta Police as well as other police.

Mr. PRESIDENT: You need not, perhaps, speak anything about the Calcutta Police, because the House has already given its decision with regard to the same.

Maulvi SHAMSUDDIN AHMED: Sir, everybody knows that Government maintains the police for preserving law and order and also to see that breach of the peace is not committed. The manner of recruitment of police is, I think, absolutely wrong, especially in this province of Bengal. As has already been said in this House, non-Bengalis in very large numbers are recruited in the police force. That is one of the reasons why policemen do not realise the actualities of the situation, and they cannot meet emergencies. It is a notorious fact, Sir, which is very well known in Calcutta, that the policemen make their appearance with their red pugrees after the disturbance is over, and that they very often catch hold of innocent persons and take them to the police lock-up.

Mr. PRESIDENT: Order, order, I may tell you at this stage that such remarks as you are making may be permissible when you are speaking on the police budget generally. You cannot forget that your motion proposes a substantial economic cut and you have to justify the same chiefly on economic grounds.

Maulvi SHAMSUDDIN AHMED: I was coming to it.

Mr. PRESIDENT: You should remember that your motion is not for a token cut.

Maulvi SHAMSUDDIN AHMED: The whole police administration is top-heavy. It may be said that the whole administration is top-heavy. But it is more so in the police department. I will just now place some figures before the House in this connexion. In Calcutta there is one Commissioner, 15 Deputy Commissioners and Assistant Commissioners, 118 assistants and clerks, 32 servants, 20 other permanent establishment, 56 Inspectors, 100 Sub-Inspectors, 199 Sergeants, 487 Assistant Sub-Inspectors and head constables and 3,486 constables. Sir, I will leave the administrative part of the affair until I finish with recruitment. I was saying that the recruitment of police is absolutely wrong. Probably, Government thinks that by bringing non-Bengali policemen Government will be able to maintain law and order in this province more efficiently than if they take in Bengalis, whether Hindus or Muhammadans. In the first place, the difficulty is that the people of Bengal do not understand the languages of non-Bengali policemen. It makes no difference to them that the non-Bengali policemen are recruited from Bihar, the United Provinces or elsewhere. If the policemen were recruited from amongst the Bengalis, they would have been able to know the temperament of the people, and from the point of view of detection of crimes, it would yield better results. From the point of view of detection of crimes, recruitment of non-Bengalis is absolutely wrong.

Sir, the inefficiency of the police was well demonstrated during the Calcutta riots. If, according to my suggestion, the present system is

given the go-by and Bengali policemen are taken in, and if real efficiency is cared for, then no slur would be brought on the police administration, as was the case during the Calcutta riots. Everybody knows how the Calcutta riots continued for a long time. That proves conclusively the utter worthlessness and inefficiency of the police, especially that of Calcutta.

The House knows very well that there is no system of mass education here. I admit that is also one of the reasons why literate policemen cannot be had. I remember, Sir, that a few days back in this Council one of the members on the official side said that because the Bengalis were not up to the mark as regards physique they were not recruited in the police force. I cannot appreciate the force of that argument. It is like another argument that is put forward in season and out of season that we Indians are not fit for running the administration and so not fit for getting Swaraj.

Sir, everybody knows that the requisite height and chest measurements can be had even amongst the Bengalis. And I believe that if Bengalis are recruited in very large numbers, they would certainly prove better than the uncultured non-Bengali policemen that are employed in this province.

Sir, the Hon'ble Member-in-charge would be glad to know that the educated policemen, who according to his statement the other day, were being taken in in the mufassal, have, so far as our information goes, proved themselves efficient Sub-Inspectors and Assistant Sub-Inspectors. I do not know why the policy which is followed in the case of the mufassal police is not followed in the case of the Presidency police also.

As regards salary, I am sorry I cannot put in any definite suggestion before this House. I can only say that the present system of recruiting non-Bengalis should be done away with as early as possible, and recruitment of Bengalis should be undertaken as soon as possible.

I have already said that the police administration, like other administrative departments, is top-heavy. If you cut down expenditure from the toy by reducing the number of the inspecting staff, you will be able to increase the number of constables, and at the same time be able to save money without impairing the efficiency of the administration.

In the year 1927-28, the Presidency police cost Rs. 37,16,000: this year it is Rs. 41,09,000. I do not understand why such a large increase has become necessary in such a short time. I do not know whether Government have in view the impending civil disobedience compaign to be launched by the Congress. There is a surplus grant in the police budget. Sir, I submit that the sooner this top-heavy administration goes, the better for the people of this province, as it will mean a less expensive police administration for them.

The following motion was called but not moved:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 41,08,900 under the head '26A.—Presidency Police' be reduced by Rs. 10,000."

The Hon'ble the President then called upon Mr. P. N. Guha to move his motion No. 248.

The Hon'ble Mr. A. N. MOBERLY: Sir, might I deal with Maulvi Shamsuddin Ahmed's motion now? It is a different subject altogether.

Mr. PRESIDENT: I had already decided, with the consent of the House, to have one discussion on motions Nos. 242 to 250. Motion No. 242, however, was taken separately. Is there any special reason for which motion No. 246 should also be excluded from the group, I am prepared to consider that point.

The Hon'ble Mr. A. N. MOBERLY: It is exactly like the previous one, Sir.

Mr. PRESIDENT: If it is a matter of convenience to you to reply to this now, I have no objection.

The Hon'ble Mr. A. N. MOBERLY: It will save my making a very long speech.

5 p.m.

I despair of my friend Maulvi Shamsuddin Ahmed. He says he cannot understand the increase in the police budget, and he suggests that it is due to an increase in establishment with a view to civil disobedience or something or other of that kind. I tried to explain about half an hour ago that the pay of the lower ranks of the Calcutta Police, viz., sergeants, head constables and constables, was increased in the middle of the year 1928 on the ground that we could not get recruits on the pay previously offered. That measure only began to have its full effect during the current year, 1929-30. The increased pay was only in force for four months of 1928-29, and consequently the actuals of 1928-29 were much smaller than the budget of 1929-30 and the budget of 1930-31. The increase as compared with 1927-28 is not due to any increase in personnel, but simply due to the increase in pay. Then, I do not quite understand how Maulvi Shamsuddin Ahmed can move a cut of five and a quarter lakhs, and at the same time ask us to recruit more Bengali constables, because if he takes away five and a quarter lakhs, we shall not be able to recruit any constables at all. I am

extremely sorry that he should have cast such a slur upon the Bengalis, as he did, when he suggested that the maintenance of law and order might be more efficiently carried out by upcountry men than by Bengalis. That, Sir, I think is tantamount to saying that upcountry men are more loyal to Government than Bengalis are. I most emphatically repudiate any suggestion of that kind. The police force in Calcutta contains a large number of Bengali officers, and I maintain that there is no police force in the world which contains braver and more loyal officers and men than there are in the Calcutta police. I am ashamed of Maulvi Shamsuddin Ahmed, and I hope his countrymen will also be ashamed of him when he suggests that the Bengali is likely to be less loyal to Government than the upcountry man. It is true that we have difficulty in getting Bengali constables; in the higher ranks of the police there is no difficulty whatever in getting Bengalis, but as regards the constables we have difficulty. The difficulty is partly due to the smallness of the pay and partly due to lack of physique. The two, more or less, go together, but I must say that it is absolutely essential that our recruits shall be fully up to the necessary prescribed standard of physique and general health. It may not be generally understood that a policeman's life, even in Calcutta, is not a happy one. People may think that the traffic constable who stands at the cross roads for hours at a time with first one hand up and then the other hand up, and sometimes both hands up, is having a picnic. I would only suggest that Maulvi Shamsuddin Ahmed might stand by that constable for an hour in the sun and see whether he does not require a good deal of physique. It is no use asking us to recruit constables, who after going through the course of constables' training school or after a short period of service would say that they could not stand the work and wished to resign. What we want is strong willing workers. It is not sufficient for Government to say that they want Bengalis. The Bengalis have to agree to become constables. We can ask them to come, but they may say that they won't and what is going to happen then? Then, he suggests that by reducing the superintending staff and increasing the number of constables we might save Rs. 5¼ lakhs. There are two fallacies in that. In the first place, the total cost of the head "Superintendence," both voted and non-voted, only amounts to Rs. 3,84,000 which is much less than Rs. 5¼ lakhs. In the second place, the more you increase the number of your subordinates, the more supervision and superintendence are required. We have been told that sometimes the subordinate police are not all that they might be. I think, if they are to be better, or before they can be better, it would probably require that they should be more and not less carefully supervised. At any rate, I think, it would be dangerous to reduce our supervision and increase our establishment. Finally, I should say that I do not think that by reducing the "Presidency Police" by Rs. 5¼ lakhs you are going to help the police to be more efficient.

Maulvi SHAMSUDDIN AHMED: On a point of information, Sir. The Hon'ble Member has asked me to stand by the traffic constable at the crossing of a road and see whether his duty does not require a very good physique. May I know whether any trial has been made with the Bengalis and they were found wanting in physique to undergo that kind of fatigue?

The motion of Maulvi Shamsuddin Ahmed was then put and lost.

Mr. PRESIDENT: I should like to know whether the Hon'ble Member would have any objection to have one discussion on motions Nos. 248—50.

The Hon'ble Mr. A. N. MOBERLY: I have no objection.

Mr. P. N. GUHA: I beg to move that the demand of Rs. 41,08,900 under the head "26 A.—Police" be reduced by Rs. 100 (to raise a discussion about the advisability or otherwise of defraying the cost of the Presidency Police from the Provincial revenue).

Sir, I want to draw the attention of the Government and the House to the injustice that is being done to the taxpayers of Bengal in spending money out of the Provincial revenue for the upkeep of the Police Force in Calcutta. This is a City inhabited by the people of various places outside Bengal. We do not know if the number of non-Bengalis exceeds the number of Bengalis in Calcutta. The huge sum of money that is spent annually for the Police of Calcutta is met from the Provincial revenue to which the non-Bengalis subscribe very little. Sir, there are two different ways in which the citizens of Calcutta pay their taxes and the proceeds of none of these swell the income of the Government of Bengal. The rates and taxes they pay go to the Calcutta Corporation and not a pice out of them goes to the Government of Bengal. Then most of the residents of Calcutta pay income-tax, which is the asset of the Government of India. So the residents of Calcutta are having the advantage of a first-class Police without paying a single farthing for it. This I think, Sir, is a grave injustice. The needs of the people of the rural areas who contribute so heavily to the Provincial exchequer are many and great and I do not think it fair to spend their money for the benefit of others.

Sir, I am here not to criticise the way in which the money is being spent for the Calcutta Poilce, my only point is that the province as a whole should not be compelled to pay for the Police of a cosmopolitan city like Calcutta. It is true that Calcutta is the capital of Bengal, but it is also the first centre of trade and commerce in India and it is the finest city that the British people have built in the East. Sir, the people who are making tons of money in Clive Street, Burrabazar, Hathkhola and other places of the city do not pay a single farthing towards the Provincial revenue. Their contributions go either to the Calcutta Corporation or

to the Government of India. The situation would have been quite otherwise if the Corporation of Calcutta and the Imperial Government had subscribed for the upkeep of the Calcutta Police. I request the Government to force the Corporation and the Government of India to pay. Sir, the whole thing is very unjust and I think it is high time for the Government to look into the matter more carefully.

5-15 p.m.

Mr. W. H. THOMPSON: I beg to move that the demand of Rs. 41,08,900 under the head "26A.—Presidency Police" be reduced by Re. 1 (to discuss the traffic problem in Calcutta).

Mr. President, Sir, the reason that I gave in tabling this motion was to raise a discussion on the traffic problem in Calcutta. The traffic problem and the transportation problem are different matters and it is the traffic problem upon which I wish to touch to-day, though the two interact one upon the other to a considerable extent. The traffic problem is a problem in which we are all interested. I include even you, Sir, though I admit the economic fact that those who can afford to keep Rolls-Royce cars, can afford to keep good drivers and are not so personally and directly interested as the likes of myself who drive his own vehicle. I might have hesitated, Sir, to raise this point while the seats opposite were peopled with those who were ready to lay hold of any stick wherewith to beat the dog—Government. The position has somewhat changed and I can now, I think, discuss the matter without having it twisted into a political form. It goes without saying that traffic in Calcutta is dangerous. It may be that it is not getting worse but I am unable to see any sign of improvement. During the course of last year the Commissioner of Police circulated for the opinion of public bodies a set of draft rules and both the Chamber of Commerce and the European Association made much the same comment in regard to these rules. They said these rules are altogether too good —they anticipated a condition of things in Calcutta which approached perfection. Neither of these bodies thought that within any reasonable time such ideal conditions would be reached and they feared that the police, with these comprehensive rules before them, would select those rules which were easy to enforce and let the rest go.

Sir, it is, I think, patent to most of us that much of the bad driving of motor vehicles in Calcutta is due to ignorance. Very often does one see two taxis, for instance, standing side by side in a place like Russa Road occupying the whole space between the foot-path and the tram track, while the taxiwallas talk to each other. I turned round the other day to curse two such taxiwallas, but my curse died on my lips for I saw from their faces that they had no idea whatsoever why I wanted to curse them. They did not realise that they were obstructing the traffic. I submit that unless the police start to give such

ignorant people some explanation of the reason of their offence and of the trouble they cause nothing will be done. Sir, you may smile at my suggestion when I used the word "explain" in respect of the police. But I submit, Sir, that they will translate the word literally into Hindustani by using the word *"samjhao"* which will express much more clearly what I mean than my poor English word "explain." Prowling taxis, buses that race down the road and then stop suddenly, taxis that cut across when they see a possible fare the other side of the road are not dealt with by the police at all. It must have been about three weeks ago that I saw a motor bus in the middle of Chowringhee—opposite the Cathedral—with a tyre punctured and the syce of the bus was in the act of jacking it up to change the wheel when two police sergeants went by on a motor bicycle with a side car, and as far as I could see they did nothing. What they should have done was to have stopped, made that man start his engine and drive on the flat tyre to the side of the road. As far as I could see they did nothing. I mentioned the matter to Sir Charles Tegart and the Hon'ble Mr. Moberly when I had an opportunity of discussing with them some of my difficulties. Sir Charles Tegart thought that they had probably taken down the number of the car. I submit, Sir, that was exactly the wrong thing to do. The educative value of police action in such cases depends not on fines which will be imposed two months afterwards during which period the culprit will have had ample time to persuade himself that he was not to blame. Action should be prompt and immediate and the effect of such action would be more valuable on those other drivers who saw what happened even than on the driver himself. Two days after I saw Sir Charles Tegart, a motor bus, number MB. 616, was jacked up with bricks under it in Chowringhee blocking the opening to Corporation Place. I asked the sergeant on duty whether he had taken down the number. He said, no, this was a case of mechanical breakdown. It was true that the street had been obstructed but there had been no accident and his instructions were that he had nothing to do in such cases. Only this afternoon I saw a bus right opposite the entrance to Kyd Street, the turning of Sir Charles Tegart's house, right in the middle of the road. I wish to anticipate nothing of what the Hon'ble Mr. Moberly may say about this (The Hon'ble Mr. A. N. MOBERLY: I saw it myself), and I deny emphatically that I had anything to do with wrecking that bus there in order to add emphasis to what I have to say this afternoon.

Sir, I have no complaint to make about the traffic constable. Considering who he is and where he came from I think he is extraordinarily good. My criticism is rather of his superiors and of the instructions which they have given him. It seems to me that his superiors often show very little consideration for the traffic constable. During the last 12 months, at many of the cross roads of importance

in Calcutta, the police have painted white lines, but does the ordinary driver pull up at the white line? I submit not. Most drivers drive right up to the constable's hand and sometimes past it, yards beyond the white line. To have put down these white lines and taken no steps to impose cognisance of them was to make a fool of that constable. Those white lines were introduced in England preparatory, in many instances, to the employment of mechanical devices for the control of traffic—money-saving devices. I submit, Sir, that unless some respect for the white line is enforced, those mechanical devices can never be used here. It must be a preliminary to the introduction of those money-saving devices to enforce respect for the white line. If you were to start those mechanical devices in Calcutta now it would be asking for trouble.

One answer which one gets from the police to the question as to why they do so little in regard to traffic is that the Magistrates impose fines. which are not deterrent. I submit that the Magistrate is right and the police are wrong. The system of fining a man two months afterwards is useless. The offender should be hauled up there and then. At the corner of the Dalhousie Square and the Council House Street there are white lines, but these white lines are treated with no respect at all. At that corner there is often a sergeant. But that sergeant does not do anything to help the traffic constable. His business is, with a watch and pocket-book, to take down the numbers of cars which have been standing there for more than 59 minutes. I submit the proper and much more useful occupation for that sergeant would be to enforce respect for the white line and whichever car, no matter who is driving it, passes across the white line or, which is a more heinous offence to my mind, passes to the right of the white line, drawn parallel to the direction of the road, that sergeant should get on to the running board and make that car turn round right about and go to the back of the queue of waiting cars.

Mr. PRESIDENT: What happens if the driver says that he is colour blind? (Laughter.)

Mr. W. H. THOMPSON: A man who is colour blind often cannot distinguish between colours, such as red and green but he can always distinguish between white and black. Moreover, supposing he cannot distinguish the white paint I submit that he ought not to have a licence.

There are, I understand, in Calcutta, sergeants enough for emergency but the emergency is not always there. Could not some of these sergeants between emergencies be formed into a flying squad to tackle this problem of dangerous driving in Calcutta—tackle it in the way I have suggested and not write down somebody's name in a note-book

and report to the thana from which action will take place two months afterwards, not take the number of a motor car of which one of the bulbs of the sidelights had been burnt out (the owner of that car will probably have got a new bulb before he gets a post-card from Lalbazar asking him to turn up at 10 o'clock and stay there as long as he is required to) but take immediate action against the most obvious offences of bad driving in the streets.

I may make another suggestion. Usually at the cross roads there are two constables. I admit the necessity of having two men as undoubtedly it is very tiring to be continually holding up one's hands—sometimes left hand first and then the right hand and sometimes both the hands together. I submit, however, that the control of traffic should be from the middle of cross roads and constables should take their turn —one to stand in the middle of the road controlling the traffic and the other to enforce respect for the white line.

The other, the second constable might also do well if he dealt with what is really becoming a thorough nuisance in Calcutta and that is boys on bicycles who pay no attention to any constable.

Another point on which I should like to touch is the question of parking. I have already referred to the draft rules which were circulated by the Commissioner of Police during last year and to the comments made by the Chamber of Commerce and the European Association on them. In the fact that the police have taken up the question of parking ahead of the rest of the rules I see a significance that the hint given by the Chamber of Commerce and by the European Association is not being taken. The police are taking the easy course and harassing the most inoffensive offenders. I admit that it is not the business of the police to provide parking places but I submit that whilst so many other abuses go unchecked Government might have made some sort of effort to provide a parking place before the police began to insist on their rules. If, for instance, a parking place had been provided in Dalhousie Square the police would have been perfectly justified in turning upon a man who instead of taking his car to the parking place left it somewhere on the road. I don't say that police action in regard to parking has been without any effect. That is not true. In my own case by demolishing a bicycle shed at the back of my office I have been able to make room for four more cars which otherwise might have been left on the streets, but most people cannot do that. The man who really ought to provide garage space is the landlord who lets out a building or block of buildings as offices. Now it happens at the present moment that a very large piece of what will some day be the business centre of Calcutta is vacant. Central Avenue is to be rebuilt and one of the next activities of the Improvement Trust will be their Mangoe Lane Scheme. I submit that Calcutta has an opportunity, which is given to very few cities and will never be

given to Calcutta again, of meeting the trouble with which I am concerned by enforcing a regulation whereby a landlord who builds to let out shall provide so many square feet of garage space for every thousand square feet of office space that he lets out. That may be more a business for the Calcutta Corporation than for the police but I doubt whether the police and the Corporation have attempted to work together on such lines and, whether it is the one's business or the other's; I submit that it is the business of Government to consider it. Possibly it might be useful if Government gave a hint to the Calcutta Improvement Trust that in regard to its schemes in congested areas it should provide some spare space for parking motor cars.

There are, I think, only two more items to which I would refer. I should like to enquire what has become of the schemes for traffic improvement at the corner of Park Street and outside the Bristol Hotel. They were schemes circulated, I believe, a year ago and nothing has been done. I should like also to refer to the New Empire Theatre. I imagine that in no other city in the world would a theatre have been licensed in a place where the entrance and egress were so very inconvenient. I submit that until there was a way through into Bertram Street the theatre should never have been allowed to open. However it is useless crying over spilt milk. The problem is to make the best of a bad job and I would suggest that if the Corporation with the help of the theatre proprietors is unable to make this improvement Government should press the Improvement Trust to take it up. The Improvement Trust is already working on the widening of Motilal Seal Street and has a scheme for widening the Bertram Street.

The following motion was called but not moved:—

Maulvi ABDUL KARIM: "That the demand of Rs. 41,08,900 under the head "26A.—Presidency Police" be reduced by Re. 1 (to show how the paucity of Mussalman officers creates administrative difficulties).

Maulvi ABUL KASEM: I wish to say a few words with reference to the motion moved by Mr. P. N. Guha regarding the cost of the Presidency police.

Sir, I had moved a resolution on this subject in the last Council. That resolution was received with hostile criticism from almost every section of this House, but the only sympathetic reply I got, and even that a half hearted one, was from the Hon'ble Mr. Moberly speaking on behalf of Government. Mr. Moberly was then pleased to remark that if a motion suggesting the imposition of a police charge on all municipal towns of Bengal including the city of Calcutta was brought forward Government would be prepared to consider it. I submit that the Presidency police is a separate organisation from that of the Bengal

police, Sir, whatever it is, Calcutta is a big city and it will require a great police force, and I may say, a magnificent police force for the purpose not only of use but also as ornament.

As Mr. P. N. Guha said we are not concerned in this motion with the efficiency or the personnel of the Presidency police but only with the cost of the Presidency police. I submit for the consideration of this House as well as of Government that the cost of the Presidency police this year is estimated to be a little over Rs. 40 lakhs, which, considering Government's estimates for other civil departments, must be said to be very high indeed, and I think, Sir, this cost ought to be met from sources other than provincial revenues, revenues contributed by the poor agriculturists in the rural areas. I submit, Sir, that very little has been done for rural areas these days but Government have always their eye on cities in general and Calcutta in particular. Sir, cities are provided with all the amenities of life and Government always come forward very generously to help the municipalities but I submit that the agricultural population in the rural areas which produce the wealth of the province, they get nothing although they deserve the most sympathetic consideration at the hands of Government. As I said before, Government suggested to us that if a motion of that kind was brought forward they would be prepared to consider it. But I submit, Sir, that it is the business of Government to do so and save the provincial revenues of this enormous sum so that it may be released for purposes of sanitation, irrigation, drainage and other matters in the rural areas of Bengal. In this House the urban areas have got the preponderating influence and I can hardly expect any sympathy from a large part of the members of this House but a sympathetic Government can ill-afford to neglect the interests of their subjects in the rural areas and they should take courage in their hands and do their duty towards these people.

The Hon'ble Mr. A. N. MOBERLY: I have to reply to two motions. The first one moved by Mr. P. N. Guha and supported by Maulvi Abul Kasem was, as the latter has pointed out, debated in this Council just over a year ago. On that occasion the resolution was moved by Maulvi Abul Kasem and he got exactly eight supporters. I said then and I repeat now that if there is a general feeling that all municipalities in Bengal should pay for their own police Government will consider the question, but I cannot quite see why Calcutta should be singled out for special treatment. It is said that the residents of Calcutta contribute to central revenues though they benefit from provincial revenues and it was added that Calcutta is an imperial city. I am not quite sure whether the mover meant to suggest that the Government of India should pay for the Calcutta police. If he can induce them to do so nobody will be more happy than I. But as regards the question of the

residents of Calcutta contributing more to central taxation than they do to provincial taxation, they are not consulted as to where the taxes they pay go to; they know they pay a great deal and I fancy they think they pay too much. I do not think they would feel that they were being at all justly treated if, in addition to contributing to central taxation, they also had to pay the cost of the Calcutta police, while the inhabitants of all other municipal towns of Bengal paid nothing at all. It is said that the people of the province as a whole do not get any advantage from the Calcutta police. I am inclined to doubt that statement, but in any case, as I pointed out in the previous debate, it is impossible to guarantee that if Rs. 5 is realised from one place that Rs. 5 should be spent in that place. Some places get more money than they pay and some get less. For example a district head-quarters town is likely to have more money spent on it than a particular village in the mufassal.

5-45 p.m.

If it were not so, and if all the taxes raised locally were to be spent locally, the administration would come to a standstill.

The other motion which I have to deal with is that moved by Mr. Thompson. I think I will begin at the end, because that will be easiest. I wondered myself why the New Empire Theatre was ever licensed. The police had from the very first day they heard that a theatre would be built there protested, as from the traffic point of view, they considered the site to be absolutely impossible. But, Sir, the police had absolutely nothing to do with the licensing of the theatre, except that they agreed to the granting of a licence to open a bar there, and I think it would have been hardly fair to withhold the bar licence because the traffic arrangements were inconvenient. It is the Corporation and not the police which deals with the licensing of theatres.

The other point was that a landlord who builds a block of buildings for the purpose of letting them out for office purposes should provide garage accommodation. I think that is a most excellent idea. I am not sure, whether it has been put forward before, but I certainly hope that the Corporation and my friend the Hon'ble Minister for Local Self-Government, who controls the Improvement Trust, will consider the matter.

Then, it has been asked what has become of the schemes for traffic improvement at the end of Park Street and at the Bristol corner. I am afraid these schemes are at present in abeyance. There were very great objections: we consulted many people about the schemes; some people were in favour of one proposal, some in favour of another, while there were others who were opposed to any of the proposals.

These schemes, especially the one at the end of Park Street, in order to be really effective, would involve a pretty considerable encroachment on the Maidan. We were reluctant to do this, in the face of opposition and ultimately we decided that it would be better to let things rest as they were, until there was a certain amount of public agitation about the matter.

I next come to the question of parking. I understand that many complaints were received from the Clive Street area and the business quarter of Calcutta generally about the congestion caused by cars parking indiscriminately. Therefore, this question was taken up, and the whole question of traffic in that area was carefully considered. One-way traffic was introduced and parking regularised as far as possible. I am afraid any parking restrictions are likely to cause inconvenience. Personally, I have been caused great inconvenience by the parking regulations in London. Since, however, the parking rules have come into force here, there have been few, if any, complaints about the congestion of traffic. I am afraid it would not help matters much to wait for parking rules until Dalhousie Square can be converted into a parking place. To begin with, public opinion is likely to be very much divided about putting it to this use, and to go on with the scheme would cost money, and Government, as usual, would be expected to pay. This means that the scheme would go into the schedules and it would probably remain there indefinitely. Personally, I should be very glad to see the police relieved of the duty of enforcing the parking rules. I can assure Mr. Thompson and this House that they were not introduced for the amusement of the police: they were introduced because it was thought that they would benefit the people who had occasion to use that part of Calcutta, and I think the general consensus of opinion is that they have actually benefited the people. If any body, such as the A. A. B., would take up this work, nobody would be more thankful than the police. The police at the present moment do not have to go very far for motor offences, and they do not require new rules in order to find easy captures. The trouble is more to keep the number of offences down than to get them up.

I quite agree with Mr. Thompson that speedy remedy is desirable, and if the Motor Vehicles Act were amended in such a form that superior officers of the police, say the Commissioner himself, could be empowered to compound offences against that Act, in the way in which officers of the Excise and Forest Departments are empowered, I think it would be much more satisfactory to everybody. The offenders would be hauled up before the Commissioner of Police very quickly, they would be offered the option of compounding or going to court, there would be very little delay, and the Magistrate would have much more time to deal properly with the comparatively few cases that went to court.

Mr. Thompson said that traffic conditions were not improving. Considering the enormous increase in the number of cars, I think it marvellous that they should not be getting steadily worse. He suggests that it is the business of the police to educate the public. I admit that the public need educating, but I am inclined to doubt if the police are the people to do it. They have got a great deal to do besides that. I would, however, once more suggest that a great deal can be done by the force of example. There are a good many European owner-drivers in Calcutta, and those people who have themselves driven cars or have been driven in cars in England must admit that the amount of considerateness shown to other drivers and the police there is very great. The amount of considerateness shown by a large number of owner-drivers in Calcutta to the police—not only to the constables but also to the sergeants—and also to other drivers, is, I regret to say, extremely small. Some of the worst pieces of driving in Calcutta are perpetrated by European drivers, and they are just the people who ought to set an example to everybody else. I think that the Chamber of Commerce might perhaps consider whether they should not address their constituent firms and ask them to impress upon their employees that they owe a certain duty to people who do not know and have never seen what proper driving—considerate driving—should be, and that they should set a much better example than they do at present. I think, probably, it would be no use just to issue one circular once for all, and I think it would have to be repeated. Still I shall be very glad if they will consider this suggestion.

As regards the prowling taxis, a considerable number of cases are prosecuted, and as regards taxis which turn across the roads, there has been some improvement at some stands at any rate, for instance at the one opposite the Grand Hotel. If anybody goes there, he will find that the taxis are absolutely jammed up against each other, and there is no room for any taxi, except the one in front, to turn round.

Then we come to the question of buses jacked up or standing disabled in the middle of Chowringhee. In the first case to which Mr. Thompson referred, perhaps the sergeants should have asked the driver to move the bus to the side of the road and repair the punctured tyre there, but the driver in such cases probably thinks that it would be cheaper to pay a fine than to buy a new tyre. The second case referred to—that near Corporation Place—was a big two-decker bus, with a broken axle. The police have not got the necessary appliances to deal with such cases, and I think somebody else should supply these buses with the necessary appliances. Surely, Mr. Thompson does not except the police to keep breakdown gangs and cranes at Lallbazar in order to remove these derelicts. The third case was of a bus standing stationary near the bus stand opposite Kyd Street. I saw it myself. It was there for several hours, and it may be standing there still,

because it had lost a back wheel and was resting on the step and was obviously very difficult to move. Of course, it would be possible for the police to supply these luxuries and amenities if they were given the staff and the material; and it would also be possible to supply more flying squads, but all this would mean a more inflated police budget. At present we have not got all the appliances, motor cycles, and other accessories: if we had them, we would be able to improve things.

Finally, there is the question of the white line. I certainly agree that things there might be improved, but I do not think that the difficulty can be met by putting one constable right in the middle of the road at a difficult crossing. In some crossings it is fairly easy, in others it is not; and in those crossings where it is not, I think two constables are really necessary all the time. However, the police will try to improve public regard for the white line, possibly by putting an additional man temporarily.

6 p.m.

But I do not think that it would facilitate traffic very much to put a constable on the step of a car or for a sergeant to send it all the way back, because I think it would probably impede traffic a good deal. I also think that the other people coming along would be extremely annoyed and would be rather hard to make them participate in the lesson. I do not know whether after this statement Mr. Thompson and Mr. Guha will press their motions. If they do, I shall have to vote against them.

The motion of Mr. P. N. Guha was then put and lost.

The motion of Mr. W. H. Thompson was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I do not think there can be any objection if we have one discussion on motions Nos. 251—259. I think much time will be saved if we do so. If there is any objection, it should be raised now.

The Hon'ble Mr. A. N. MOBERLY: I have no objection provided I am given sufficient time to reply.

Mr. PRESIDENT: At the request of Mr. B. C. Chatterjee, leader of the "Nationalist Party." I propose to put off the consideration of motion No. 251 till motion No. 259 has been disposed of.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 6,20,000 under the head '26C.—District Executive Force—Pay of Inspectors' be reduced by Rs. 100 (page 157, Civil Estimate) (to draw attention to the unsatisfactory manner in which Sub-Inspectors are promoted to the grade of Inspectors)."

Maulvi TAMIZUDDIN KHAN: May I have your permission, Sir, to move motions Nos. 253 and 254 together as they practically deal with the same subject?

Mr. PRESIDENT: Yes.

Maulvi TAMIZUDDIN KHAN: I beg to move—

(*i*) that the demand of Rs. 20,50,000 under the head "26C.—District Executive Force—Pay of Sub-Inspectors" be reduced by Rs. 100 (to draw attention to the inadequacy of Muhammadan Sub-Inspectors recruited by way of promotion from the grade of Assistant Sub-Inspectors); and

(*ii*) that the demand of Rs. 10,10,000 under the head "26C.—District Executive Force—Pay of Assistant Sub-Inspectors and Head Constables" be reduced by Rs. 100 (to criticise the policy followed in recruiting Assistant Sub-Inspectors by way of direct recruitment).

Sir, I moved similar motions last year, but as the reply given on behalf of Government was not satisfactory, I am constrained to raise this question once more this year. It seems difficult to understand the attitude of Government in respect of the appointment of sub-inspectors and assistant sub-inspectors so far as the Muhammadan community is concerned. We have seen that in various other departments of Government where the Muhammadan community holds a very insignificant position, in respect of holding appointments, Government has been trying to help the Muhammadans to a certain extent, but in the police department, specially in the rank of sub-inspectors, in which the Muhammadans, had fairly held their ground till the year 1920, the policy of the Government seems to be quite otherwise. Since that year a policy is being followed which, I think, is disastrous to the community. Instead of improving their position, the Moslems are fast losing their ground so far as sub-inspectors and assistant sub-inspectors are concerned. Before 1920, sub-inspectors were appointed by direct recruitment, and in that the Muhammadan community fairly held its ground, although I think, it did not receive its proper share. But since 1920, the method of recruitment has been revised and since

then more than half the number is recruited by promotion from the rank of assistant sub-inspectors. I quoted some figures last year, and I think it will bear repetition if I quote them again this year. From 1920 to 1927, we see that 139 appointments were made in the rank of sub-inspectors of police by direct recruitment, and of these, 68 appointments went to Muhammadans and 71 to non-Muhammadans, i.e., the Muhammadans got nearly half. But during the same period, viz., 1920 to 1927, as many as 192 appointments were made by promotion from the rank of assistant sub-inspectors, and it will be seen that of these 192, only 25 were Muhammadans. The result is that during this period the total number appointed was 331, of which only 93 were Muhammadans, i.e., the Muhammadans received only 28 per cent. of these appointments. If this method of recruitment goes on, I think instead of the community improving itself, so far as this service is concerned, it will lose the ground that it already holds and the number of Muhammadan sub-inspectors will be very substantially reduced.

Then, if we come to the recruitment of assistant sub-inspectors we meet with a still more deplorable state of things. Here also appointment is made by direct recruitment and by promotion from the rank of constables. We are told that there are no suitable Muhammadan constables from amongst whom assistant sub-inspectors might be recruited, and as such number of Muhammadans that are recruited by promotion is so small. Last year the Hon'ble Member in charge gave us a piece of advice to see that more competent Muhammadans were recruited as constables. We have tried to follow that advice, at least so far as my district is concerned. But our grievance is that as the Muhammadans do not get adequate number of appointments by promotion on account of the fact that there is not sufficient number of Muhammadans in the lower rank, why should not a larger number of Muhammadans be taken by direct recruitment? Only one-third of the vacancies in the rank of assistant sub-inspectors is contemplated to be given to the Muhammadans; that is the policy adopted in 1926. That seems to be an altogether wrong policy, and if this policy is followed, the Muhammadans will be nowhere so far as the police service is concerned in the course of a few years. It is said that the number of Muhammadan sub-inspectors is small, because an adequate number of competent men are not found amongst the assistant sub-inspectors to be promoted to the rank of sub-inspectors. My question in a nutshell is if at the present time it is not possible to recruit adequate number of Muhammadans by promotion either in the rank of sub-inspectors or assistant sub-inspectors, why should not the method of direct recruitment be revised so as to enable more Muhammadans to get into the service so that their total strength may not be diminished? I hope the Hon'ble Member in charge will see his way to take some steps in this direction.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 86,27,600 under the head "26C.—District Executive Force" be reduced by Rs. 100 (to draw attention to the work of the Police in coping with communal riots).

Sir, I am really sick of the term "communal riots." I have learnt much about it both in the papers of India as well as of England. I have also heard that the Indians cannot settle the differences that exist between the Hindus and the Muhammadans. But, Sir, I for myself do not believe in any communal riot. I say it is a riot pure and simple, and I think it is due to the tendency inborn in human beings to do wrongs to each other in that way. Can anybody deny that there is no riot in England or in other civilized countries of the world? I say there are. Even in India, apart from the riots between Hindus and Muhammadans, there are riots between Muhammadans and Muhammadans, between Hindus and Hindus, and amongst other nationalities. My point is not that, and I will not touch upon it. I will not say a single word about the riot in Calcutta or about the Kulkati incident. Even I will not say anything about the event at Dacca. I will only say this much that wherever there is a fight between Hindus and Muhammadans, I can only excuse it as an accidental *golmal*, and the police should be sufficiently fortified to cope with it. But if that sort of thing is allowed to go on for days together, what shall I call it? Shall I commit any crime if I say that in some cases, probably in most cases, the police do not take proper care as it ought to? I will ask one question. Is it not a fact well known to all that an assault on Miss Sherwood led to the Jallianwallabag tragedy in the Punjab. the mere assault on a constable led to the unhappy incident at Charmanair, and everybody knows what happened at Kulkati on account of the rioting attitude of some people there. I believe that if there is a riot between the police and the people or between the Europeans and the Indians in Calcutta and if one single sergeant or a single European is killed, the forces under the control of Government will all be let loose and the streets of Calcutta will be flooded with armoured cars, ammunition and other things, and the sky will be overcast with aeroplanes. I believe the forces under the control of Government in Bengal and in Calcutta have sufficient strength and ammunition to deal with these ordinary riots. I ask and very seriously ask the reasons that led to the Dacca communal riots.

6-15 p.m.

How did it develop in such fashion? How did it continue for days together? As far as I have heard, but for the efforts of the Nawab of Dacca, Babu Protul Chandra Ganguly and Dr. Mohini Mohan Das, it would have taken a very serious turn. What was the police doing? Sir, I will not refer to the policy of divide and rule, nor will I refer to the

third party. But I say that the police could have prevented it but that they intentionally kept themselves aloof. I leave aside politics altogether. What I have seen is this. If there is a riot in a bazar I have invariably seen the police marking time and sitting idle and after some persons have been injured the police come up and take the injured persons to their respective police stations. Even in Calcutta if there is a riot between *goondas* and *goondas* and between drunkards and drunkards, the police do not take immediate action. They mark time and see how things are going on and after the riot stops they take away the people who have been injured.

Sir, I do not want to be irrelevant but what I say is that people in general have no confidence in the police. Even in cases of injustice people do not like to go to the police because the police would create unnecessary harassment and detain them and otherwise treat them in such a way that the police have lost all the confidence of the public. Sir, only the other day I was passing in a taxi which was stopped on the way and taken to the thana in spite of my protest————

Mr. PRESIDENT: You just now promised not to be irrelevant but tell me if the story you are about to narrate relates to a communal riot? (Laughter.)

Maulvi SYED JALALUDDIN HASHEMY: No, Sir. I, however, wish to be brief. I only ask the Hon'ble Member to say why these things happen? You have got a mighty force of police and about Rs. 2 crores are spent for them. They have hitherto had a sufficient grant but a new grant has also been made in this year's budget. About Rs. 5 lakhs more have been allotted under the head new ammunition, yet they are an unfit inefficient lot in coping with communal riots. Therefore, I ask what is the reason for increasing the grant? Is it for repeating another Jallianwallabag in Bengal or in Calcutta? My intention in moving this motion is only to know why the police in the case of communal riots move so slowly and lethargically and are so powerless. Is it a fact that they want to enjoy the fun of a Hindu-Muhammadan fight so that they may write to the "Statesman" or "Englishman" to say that these people cannot make up their differences?

Mr. PRESIDENT: Order, order. You are going beyond the point.

Maulvi SYED JALALUDDIN HASHEMY: I have nothing more to say. With these words I beg to commend the motion to the acceptance of the House.

Dr. AMULYA RATAN GHOSE: Sir, I have experience of the riots when the police act in a very peculiar way. I know that the weaker

side do not get the help they deserve. The police always take the side of the more powerful and give them help. This is what I have seen. During the immersion ceremony on the Bijoya day, the 4th day of the Durga Puja, a procession with images was passing through the Grand Trunk Road with a license.

The Hon'ble Mr. A. N. MOBERLY: May I ask the hon'ble member which year was that?

Dr. AMULYA RATAN GHOSE: It was at Salkia and the year, if I remember rightly, was 1927. A procession came under the protection of a license and they had music and other things and it came in front of a mosque after the specified hour of prayer which was mentioned in the licence. There was a police force and an armed police force too. They stopped the music party and the immersion party. The police inspector could not give any reasons for stopping the procession. They held up the procession for more than half an hour within which time news spread like wild-fire that the image of the Goddess was being held up by the police and that it was because of the Muhammadans. The Hindus came from all directions with *lathis* and they came only to see that the image was safely immersed without being molested by the Muhammadans. There were very few Muhammadans present.

Mr. PRESIDENT: Is it not an old story that you are repeating? (Laughter).

Dr. AMULYA RATAN GHOSE: My point is this: That the police create trouble in these cases. There were hardly any Muhammadans present there. The police of their own accord stopped the procession but as the procession was stopped the news spread and the Hindus collected there with *lathis*. There was no reason whatever for holding up the procession. There was great commotion amongst the Hindu community and it was quite unnecessary. Within that time four or five more processions came from different directions and they tried to go through the road. My point is this: That during these riotous times the police rather take the part of the aggressive side than that of the weaker side.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 2,[illegible] under the head "26C.—District Executive force—Distirct P[illegible]—Arms, accoutrements and ordnance stores" be reduced by Rs. 1,07,[illegible].

Sir, I find that the sum of Rs. 2,07,000 has been estimated for arms and accoutrement for next year, as against Rs. 1,00,000 this year. In my opinion the excess of Rs. 1,07,000 should not be granted.

At page 60 of the Green Book, I find that the scheme for replacement in three years by a better class of rifles, of all the muskets declared unfit or likely to be condemned by the Civil Chief Master Armourer, had been apparently sanctioned.

Now, Sir, several pertinent questions arise on this very bald statement—(1) What is the total cost of the scheme? (2) Who has sanctioned it? (3) Has the scheme the approval of this House? (4) Who is the Civil Chief Master Armourer?

Sir, I do not think we can legitimately object to the procedure. We here know nothing of the scheme, its urgency, its cost, etc. I dare say the Armourer has approved of it: But we, lawyers, always suspect an expert. We think, that however honest he may be, he is so obsessed with his own particular point of view, that he is not amenable to reason or commonsense. We are the custodians of the public purse, and how can we blindly sanction the scheme and vote the money? Moreover this is the thin end of the wedge. For next year the Hon'ble Member will ask for a similar grant, and say that in March 1930, we approved the scheme: so then it will be a settled fact.

I ask why does the Hon'ble Member ask for—I quote the very words used in the Blue Book—"a better class of rifles?" Is he going in for the latest fashion in arms? Everywhere the talk is about limitation of armaments—disarmaments—but apparently in the back waters of Bengal we have not heard of this. I seriously ask what is the use of spending such a large sum of money for a luxury? These fashionable up-to-date rifles will be for use against unarmed people, and it will not matter in the least if the old arms are used. Assume that the old rifle fires ten shots in two minutes, and the new one fires 20 in the same time. I can assure the Hon'ble Member that the people won't object to being shot at at the rate of 10 in two minutes and we shall thereby save some lakhs.

[At 6-30 p.m., the Council was adjourned for prayer and it reassembled at 6-40 p.m.]

Mr. S. M. BOSE: In this case time is not of essence of the shooting. Therefore, I earnestly appeal to the Hon'ble Member to retrench this expenditure. He is well aware of the great demand for money in transferred departments: a great many very urgent schemes are being held up. Why not postpone this scheme till after the Simon Committee Report, the Round Table Conference and the new Constitution?

The other day I appeared to the Hon'ble Member to show that the Government is the friend, the ally of the people in their efforts to raise India. Will he not take this opportunity, slight though it be, he will thereby earn the gratitude of the nation.

With these few words I beg to commend my motion to the acceptance of the House.

Maulvi SYED JALALUDDIN HASHEMY: Sir, before I move the motion standing in my name I would like to ask the Hon'ble Mr. Moberly one question: I have asked many of my colleagues in this House that question but nobody could enlighten me as to what it meant.

Mr. PRESIDENT: You had better move your motion first.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 5,85,100 under the head "26C.—District Executive Force —Contract contingencies" be refused.

Sir, I have not yet been able to ascertain what these contract contingencies are. Can they mean stationery that is indented for for the police in the mufassal or any furniture such as chairs and tables or can it be weapons for the police? I see, Sir, about Rs. 6 lakhs has been included under this head. I have, therefore, thought it expedient to refuse the demand altogether and I think it is not a necessity at all. I would accordingly ask the Hon'ble Member to convince me whether it is at all a necessity and if his explanation is to my satisfaction then I may consider whether I should withdraw the motion or not.

The following motions were called but not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 1,28,18,000 under the head '26C.—District Executive Force' be reduced by Rs. 25,00,000."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 1,28,18,000 under the head '26C.—District Executive Force' be reduced by Rs. 20,000."

Mr. B. C. CHATTERJEE: I beg to move that the demand of Rs. 1,71,000 under the head "26C.—District Executive Force—Pay of Officers" be reduced by Rs. 100 (to draw the attention of Government to the inefficiency of the said force specially in the matter of affording protection to abducted women and handling riotous occurrences).

My object in moving this cut is not to indulge in any dithyrambic denunciation of the police, but the main object with which I move this cut is to draw the attention of the Hon'ble Member in charge of the Police to the desirability of initiating a new policy which would make

the members of the police force realize that they were out to serve the people and not merely to dictate to them what the police thought should be done by them. We cannot disguise from ourselves the patent, and regrettable fact that the police are both feared and hated by the people at large. It is a very unnatural state of things, but it is so. We Indians all know that the police in Bengal do not command from us that confidence, that regard, that during my six years' stay in England I found the English police force command in their country. If I may say so, the inefficiency of the police of which we Indians complain, is really rooted in the circumstance that the police do not get that co-operation, that help from the people of the country that the police in other countries do get. But what is the reason of it? Why do we Bengalis not extend to them the co-operation that the police get from the people of other countries? Some will say that it is a defect in the Bengali character. But I think that the truth lies in the fact that the police in Bengal are apt to be very discourteous, very inconsiderate, quite rude, in fact, to the average Bengali, whenever he has to make any representation to a policeman. I am sorry I have to make this observation, but since I shall never see my fiftieth year again I can bring my experience of half a century to bear witness to the fact which I allege. The natural feeling on the part of a Bengali is that we had better not have anything to do with the police at all, because if we go and give any advice to the police, if we go to make any suggestion to the police, we are more or less sure to be treated with discourtesy or inconsiderate behaviour. This applies to the *paharawalla* in the street, to the head constable, to the writer constable and so forth; whenever a Bengali goes and speaks to a policeman he does not meet with that considerate treatment which an Englishman in the streets of London receives at the hands of the London Bobby. I submit that the time is come when with the progress of democracy in India the police also have got to be democratised in their outlook, when they should be definitely told, when they should have the idea definitely drilled into them that discourtesy to the people they are appointed to serve would be a disqualification against them in the service, and that the very first duty they owe to the people they are to serve is that of courtesy and of considerate behaviour.

I venture to say that if the Government would initiate this policy and insist on the police being polite to the people of the country, a great deal of sedition would certainly disappear, and the discontent that has been generated by reason of their inconsiderate treatment of the people would also vanish. Secondly police efficiency would increase infinitely in the wake of a better relationship with the people without whose co-operation no policeman, however clever, can work efficiently. We know that in every free country in the world the police are much more successful than here simply because the police here have forfeited

by their conduct any claim to our co-operation. I trust that the Hon'ble Member in charge will be able to give us an assurance that Government will initiate a strict policy in its police administration whereby it will be made patent to all the members of the service that they must be courteous in the first place and in the last place right through their dealings with the people.

There are one or two other aspects of the matter to which I should like to draw the attention of the House. We know, as I had occasion to point out, that during the reform years the expenditure on the police has been increased by three-fourths of a crore—a very substantial sum of money. Will the Hon'ble Member point out to us the corresponding advantage that has accrued to Bengal on account of this increased expenditure of three-fourths of a crore? Taking this reform period as a test period, I find that during the greater part of this period, that is to say, from 1922-23 to 1927-28, we have had as many as 1,033 women, poor, defenceless women, Muhammadan and Hindu women, abducted from their homes by all kinds of ruffians and blackguards. This is no racial question. The Hindu and Muhammadan *goondas* seem to share the distinction equally in the matter of abducting these poor women. I am bound to say, Sir, that if I were a District Magistrate or Superintendent of Police I could not go on having my eggs and bacon morning after morning, if I had a report reaching me that some women in my district had been carried away from their homes by some ruffians. I submit that there is no sensitiveness, there is no chivalry in the services nowadays that there used to be in the old days, on the disappearance of which Mr. Bannerjee commented the other day. How is it that, although you have taken from us as much as three-fourths of a crore for the increase of police efficiency, for the betterment of the police service, so many as 1,033 women have lost their homes and because of what? Because the police have failed to give them protection. And in most of these cases the fact has to be recorded that these women have been recovered not by the assiduity of the police searching after them, but by reason of patriotic endeavours on the part of Muhammadans and Hindus. It is they who have recovered these women and brought them back to their homes. The disgraceful fact has to be recorded that even up to date some women have not been traced at all. I should imagine that there would have been a special police force got up with a part of this three-fourth crore which would make it their special business to go and look after these cases whenever such cases were reported to them. We have not heard up till to-day that a special department has been detailed off for the protection of these helpless and defenceless women. No such information has reached me, and as far as I know no such thing has been done. I submit it is a great slur on the police and on the whole department in Bengal that women can be persecuted in this fashion in spite of what we understand by the term *Pax Britanica*.

7 p.m.

I hope the Hon'ble Member-in-charge will be able to give us some assurance that this particular type of crime—this particular type of ruffianism—shall come in for special attention at the hands of special police officers in future.

Sir, there is another matter about which I should have liked very much to speak, but time is getting short. I may just say one or two words. During the course of the various riots that have disgraced the history of Bengal for the last few years—I suppose they were all due to the plottings of a number of misguiding and misguided Hindus and Muhammadans—the police have always failed to be of that service which one would expect of them, and that peace had to be restored by the special efforts of patriotic bands of Hindus and Muhammadans. I can give the House any number of examples. I am sure that members of this House have also their personal experience of instances in which the police had signally failed to restore peace between the two communities, and in which Hindus and Muhammadans, joining together in an effort to bring about peace, had signally succeeded. I shall only give the last instance, viz., that of the riots that took place at Dacca recently. The Dacca riots make one almost despair of the police, because they originated out of a procession, composed of Hindu and Muhammadan boys alike, while going past a mosque.

Well, Sir, I submit that it was owing to a misapprehension of the real facts of the situation that the police failed to act in the way they should have done, and, as a result, we had in a day or two the development of a communal tragedy in which some Hindus and some Muhammadans got stabbed. But, in the end, who brought about union—who brought about peace—between the two communities? Certainly not the police. It was the Nawab of Dacca, who, with a band of Hindu and Muhammadan gentlemen, went round and brought the two communities together. And, Sir, when I talked to certain police officers about the matter—especially to Mr. Cowgill whom I met on my way to attend a case—when I told them that that procession had consisted of Hindu and Muhammadan boys—they seemed to be taken by surprise, and I found a lack of knowledge of this fundamental fact of the situation on the part of the Dacca officials, which is simply astonishing. They did not know that the procession which had gone out consisted alike of Hindu and Muhammadan boys. If they had only known of this fact, they would have taken a different view of the situation.

Sir, I do not aspire to have a division or anything of that sort on this motion, but I do ask for an assurance from the Hon'ble Member in charge that he will so order his future policy with regard to police administration that a Bengali may go up to a policeman without being insulted,

that Bengali women may say that Government have deputed special police officers for their protection and that the two communities may say that so far as they are concerned they can live in peace and that the police will help them in all possible ways.

Mr. PRESIDENT: Does the Hon'ble Member in charge wish to reply to-day or to-morrow?

The Hon'ble Mr. A. N. MOBERLY: I should like to reply to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 25th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 25th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 114 nominated and elected members.

[At 3-5 p.m. the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without. The Hon'ble the President then left his seat on the *dais* and met His Excellency at the head of the staircase. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.]

His Excellency the Governor's Address.

HIS EXCELLENCY the GOVERNOR of BENGAL (the Right Honourable Sir Francis Stanley Jackson): Mr. President and Gentlemen, I must first express my regret at being unable to attend the Council last Friday as had been arranged, and I apologise for any inconvenience which the change, quite unavoidable, may have caused you, Sir, and members of the Council.

It was my intention to avail myself of my privilege of addressing this Council when it met in February last. At that time, however, owing to the resignation of a large number of members necessitating bye-elections to fill their seats, I decided to wait until the Council had returned to normal conditions. To-day all constituencies throughout the Presidency are represented and I would like to welcome the newly elected members of the Council who have recently been admitted to its privileges and responsibilities, and to express a hope that the work will prove of satisfaction to themselves, and beneficial to their constituencies and to the general interest of the people of Bengal.

Circumstances have made it necessary for me to ask you to meet me this afternoon, and the importance of the statement I wish to make must be my excuse for this intrusion on the time of the Council when it is so busily engaged in important discussion on the Budget.

I think that I should preface my remarks by a brief reference to the debate which took place last Thursday when the demand for Ministers' salaries was before you. In pursuance of the assurance given to the House on that occasion, the Chief Secretary has placed before me the speeches which were made in that debate and I have carefully read them. In the short time at my disposal I have already been able to hear personally the views of some of the members who spoke on that occasion, but this Council will, I am sure, appreciate that the situation created by its action is an unusual one and will require the most careful consideration after due consultation with my advisers and those directly concerned. The composition of the House has no doubt been considerably affected through the resignations at the beginning of the year and by the election of new members to fill those places, and I welcome what I believe to be the sincere desire of this House to work the constitution in a really constructive spirit. I feel sure, however, that you will recognise that the question which has been raised is one which cannot and ought not to be disposed of in haste, and that you will accept my assurance that the views expressed are having my closest attention and will receive full consideration. The responsibility which I as Governor have to bear in the selection and appointment of Ministers is a very grave one, and I am not in a position to-day to make any pronouncement beyond the assurance which I have just given you. I may be permitted to add that I shall spare no effort to examine the situation in the light not only of my responsibilities but also of my obligations and to reach a solution which will be in the best interests of the Province.

As you are no doubt all aware, the Bengal Criminal Law Amendment Act of 1925 under a clause limiting its operation to five years is due to expire on April 23rd this year. I need not recount here the serious emergency which caused the Government of Bengal to arm themselves with the special powers provided by this Act, but my Government have had to decide on the knowledge in their possession, and after a prolonged and careful review of the situation at this time, what their attitude should be towards the surrender of those powers, consequent upon the approaching expiry of the Act. After anxious thought my Government have decided not to propose, on the facts at present before them the continuance of that part of the Bengal Criminal Law Amendment Act which grants to the Executive power of arrest and detention without trial. These powers were framed to deal with revolutionary organizations which have for their object violence and assassination. A revolutionary movement which sets these aims before itself is still in active operation in Bengal, though its more serious manifestations, in the shape of definite outrages, have not recently been prominent. But for the last three years it has been possible to keep the situation under control without fresh recourse to them. My Government have desired to do everything they could to seek, in co-operation with Indian opinion, a solution of our

present difficulties, and they are therefore reluctant to invite the legislature to continue in existence powers, the occasion for the use of which we must all deplore. They sincerely trust that no emergency will necessitate their resumption, but they cannot conceal from themselves the possibility that such an emergency might again arise which might make it essential for them to be in possession of these powers. They have accordingly been in communication with the Government of India on this matter and I am authorised to state that the Governor-General in Council, and His Majesty's Government, if they are satisfied of the existence of such an emergency, will be prepared to approve the necessary steps for securing these powers to my Government again.

In these circumstances, therefore, my Government will immediately place before you a Bill for the repeal of those sections which provide for detention without trial, and I allot Tuesday, the 1st April, as the day on which in the ordinary course, discussion of this Bill will be taken up.

I would now refer to those sections which provide for the trial of offences and which are embodied in sections 3 to 10 of the Act. My Government do not feel justified in recommending the abandonment of the powers defined in these sections, which provide for the appointment of Commissioners to try specific offences, and they will place before this House legislation for their continuance. An examination of the use which has been made of these sections cannot but lead to the conclusion, that this form of procedure has in every case been applied with scrupulous discrimination solely to the trial of persons for specific acts of a terrorist nature, while even in dealing with that class of offence it has been applied with marked restraint. The provisions which it is proposed to continue will, you have my assurance, be applied in like manner in the future. Our first object at this time must be to remove any obstacle to the ordered political progress of this Province. The terrorist has no belief, or faith, in constitutional agitation or in the efficacy of political leaders, however great their reputation or advanced their views. As a class the terrorist now, as always, pins his faith on violence as being the only method which will crown his efforts with success, and it is only if he knows that outrages will certainly and immediately be followed by swift and condign punishment, that he places a curb on his activities. While on the one hand, the procedure prescribed by the ordinary law has been found unsuitable to secure the administration of justice and the protection of the community against such persons, on the other the procedure prescribed in the sections of the Bengal Criminal Law Amendment Act, to which I have referred, has been found to provide an expeditious and, I think, fair mode of trial and, as you are aware, the supplementary Act provides, and will continue to provide, for an appeal to the High Court from the decision of the Commissioners.

I personally welcome the decision which my Government have found themselves able to take for the repeal of those sections providing for

detention without trial. I feel that the disappearance of those sections should remove a source of difficulty which has been experienced by men of all classes in supporting Government in their efforts to deal with terrorist crime. I trust that no occasion will arise to compel us to resort to them again. I do, however, earnestly commend to you the retention, for a further period of five years, of the special procedure for the trial of offences by Commissioners appointed under the Act and I look with some confidence to this House to support me in this matter. I feel satisfied that the retention of these sections is not only necessary, but should be some guarantee against a fresh recourse to those provisions which it is now proposed to repeal and the disappearance of which from the Statute Book cannot but be a source of satisfaction.

I thank you, gentlemen, for your attendance here to-day and trust that your labour may be directed by Divine Providence to the lasting benefit of this Province and its inhabitants.

His Excellency the Governor then left the Council, preceded by the Hon'ble the President.

(On the return of the Hon'ble the President.)

Starred Questions

(to which oral answers were given).

Posts of section-holders and assistant section-holders in the Government presses.

***91. Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that the officiating arrangements in the posts of section-holders and assistant section-holders in the Government presses are made ignoring the claims of senior and experienced hands?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

(*c*) Is it a fact that an employee draws his pay for the post in which he serves?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) No.

(*b*) Does not arise.

(*c*) Yes.

Compositors in the Bengal Government Press.

*92. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing list of compositors in the Bengal Government Press, with their names and sections in which they work?

(*b*) Is it a fact that experienced compositors are not transferred to the hour section?

The Hon'ble Mr. A. MARR: (*a*) A copy of the establishment list is placed on the Library table for reference.

(*b*) Compositors above the age of 50 are, as far as practicable, given lighter work and put on to hour work.

Readers and revisers of the Bengal Government Press.

*93. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is the practice in the Government presses to promote the copy-holders to the posts of revisers and the revisers to those of readers, according to seniority?

(*b*) Is it a fact that some of the posts of the revisers and readers are at present filled up from outsiders, ignoring the claim of experienced copy-holders and revisers?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for the same?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the names of the (1) copy-holders, (2) revisers, and (3) readers, at present employed in the Bengal Government Press; and

(*ii*) the dates of their appointments?

(*e*) Will the Hon'ble Member be pleased to state the number of copy-holders and revisers, amongst the present employees who were promoted to revisers and readers respectively, since their appointments?

The Hon'ble Mr. A. MARR: (*a*) No. Promotion is given to the men best qualified technically and educationally, service and attendance being also taken into consideration. Ordinarily vacancies are filled by promotion. If suitable men are not available, applications may be invited by advertisement.

(*b*) No.

(*c*) Does not arise.

(*d*) A copy of the establishment list of the Reading Branch of the Press is placed on the Library table for reference.

(*e*) 25 readers and 14 revisers.

Special privileges accorded to Muhammadans to secure representation in proportion to their numbers among Extra Assistant Conservators of Forests in Bengal.

*94. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Member in charge of the Revenue (Forest) Department be pleased to state what special privileges (if any) are accorded to Muhammadans to secure for them representation in proportion to their numbers among Extra Assistant Conservators of Forests in Bengal?

MEMBER in charge of REVENUE (FOREST) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): No special privileges are accorded to Moslems as direct recruitment to the Bengal Forest Service has ceased and, in accordance with the Government communiqué on the subject, dated 21st December, 1925, promotion is based on merit or merit combined with seniority. As there is not a single Moslem officer in the Bengal Forest Service at present Government are reconsidering the question of direct recruitment with a view to improve the representation of the Moslem community in this service.

3-15 p.m.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the Government are reconsidering the question of direct recruitment only with a view to improve the representation of the Moslem community?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: The answer is in the affirmative.

Recruitment of Muhammadans as Extra Assistant Conservators of Forests in the Forest Department of Bengal.

*95. **Haji LAL MUHAMMAD:** (*a*) Is the Hon'ble Member in charge of the Revenue (Forest) Department aware that the thirteen Extra Assistant Conservators of Forests in the Forest Department of Bengal are all Hindus?

(*b*) Are the Government considering the desirability of appointing Muhammadans in future recruitment to that service?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) Direct recruitment to the Bengal Forest Service having ceased, promotions are regulated by merit or merit combined with seniority.

Government are, however, reconsidering the question of direct recruitment to this service with a view to improving the representation of the Moslem community.

Assistants in the Government presses.

***96. Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is the practice in the Government presses to allow the assistants to officiate in a vacant higher post?

(*b*) Is it a fact that at present the officiating roll-keeper has been recruited from the Press order clerk?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons thereof?

The Hon'ble Mr. A. MARR: (*a*) Yes; press employees are allowed to officiate in higher posts when they are found fit.

(*b*) No. The present officiating roll-kepeer is a senior permanent assistant time-keeper.

(*c*) Does not arise.

Number of officers in the Public Health Department.

***97. Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the total number of paid officers in the Public Health Department at present?

(*b*) How many of these officers are Hindus and how many Mussalmans?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) and (*b*) A statement is laid on the table which furnishes the required information.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 97.

	Hindus.	Muhammadans.	Others.		Total.
Establishment under Director of Public Health—					
Permanent ..	72	11	7		
Temporary ..	58	4	..		
Total ..	130	15	7	=	152
Establishment under Chief Engineer, Public Health Department—					
Permanent ..	26	2	2		
Temporary ..	53	10	..		
Total ..	79	12	2	=	93
Grand Total ..	209	27	9	=	245

Maulvi ABDUL KARIM: Will the Hon'ble Member be pleased to state if there is any particular reason for the great disparity between Hindu and Moslem officers?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Most of our officers are technical advisers and specialists; and as suitable Muhammadans cannot be found, there are more Hindus.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether we are to understand that the 209 officers are all specialists?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Most of them are.

Number of foresters in Bengal.

***98. Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Member in charge of the Revenue (Forest) Department be pleased to state—

(*i*) how many foresters are there in Bengal at present; and

(*ii*) what is the percentage of the Moslem representation in that service?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*i*) 74 (including five who are drawing pay against five vacant posts of Deputy Rangers).

(*ii*) About 13·5 of the existing strength.

Number of Forest Rangers in Bengal.

***99. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue (Forest) Department be pleased to state—

(*i*) how many Forest Rangers are there in Bengal at present; and

(*ii*) how many of them are Moslems?

(*b*) What is the percentage of the Moslem representation in that service?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) 58.

(*ii*) 4.

(*b*) About 7 per cent.

Mussalman sub-inspectors and inspectors of police in the district of Nadia.

***100. Maulvi SHAMSUDDIN AHMED:** Will the Hon'ble Member in charge of the Police Department be pleased to state the number of Mussalman sub-inspectors and inspectors in the district of Nadia from 1923 to 1929?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): A statement is laid on the table.

Statement referred to in the reply to starred question No. 100.

Year.	Number of Muhammadan inspectors in the district of Nadia.	Number of Muhammadan sub-inspectors in the district of Nadia.
1923 ..	1	31
1924 ..	..	30
1925 ..	..	25
1926 ..	..	22
1927 ..	..	21
1928 ..	..	20
1929 ..	..	19

Maulvi SHAMSUDDIN AHMED: Will the Hon'ble Member be pleased to state the reason why the number of sub-inspectors decreased from 31 in 1923 to 19 in 1929?

The Hon'ble Mr. A. N. MOBERLY: Presumably they have been transferred to other districts and the proportion in those districts has probably gone up. However, I know that the Inspector-General of Police is looking into the question since the figures were compiled.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Muhammadan sub-inspectors are not transferred just as they are due for promotion to the Inspectors' grade?

The Hon'ble Mr. A. N. MOBERLY: I have no information on the point.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to enquire into the matter?

The Hon'ble Mr. A. N. MOBERLY: I shall ask for notice.

Unstarred Questions

(answers to which were laid on the table).

Purchase of Nos. 5 & 6, Government Place.

94. Babu SATYA KINKAR SAHANA: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether any negotiations have been started for the purchase of Nos. 5 & 6, Government Place, from the Government of India?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how far the negotiations have advanced?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): (*a*) Yes.

(*b*) The negotiations are completed. The Government of India have accepted the offer of Rs. 3,72,000 made by the Government of Bengal for Nos. 5 & 6, Government Place.

Introduction of the new Jail rules in the Bengal jails.

95. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the new Jail rules announced in the Government of India communiqué recently issued, have been introduced in the Bengal jails?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state when does the Government intend to introduce those rules?

(*c*) Will the Hon'ble Member be pleased to state whether it is the intention of the Government to make any modification in the said rules?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Not yet. It takes a little time to draft and get into proper form a set of new rules but the work is being pushed on and it is hoped that the rules will issue very shortly.

(*b*) As soon as the rules are ready.

(*c*) No, but for administrative convenience it has been decided to call the Divisions I, II and III instead of A, B and C.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that when the system of having a special class of prisoners was instituted in 1922, the rules were drafted, framed and pushed through all in the course of one week?

The Hon'ble Sir PROVASH CHUNDER MITTER: The position was then different. First of all, so far as I am aware, this Government in consultation with the Government of India did it. This time the Government of India issued certain directions and no time is being lost.

Babu SATISH CHUNDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state when he expects the rules to come into force?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that question.

Babu SATISH CHUNDRA RAY CHOWDHURY: Is the Hon'ble Member aware that the rules have already been introduced in Madras and Bombay?

Mr. PRESIDENT: I do not allow that question.

Pay of compounders.

98. Maulvi ABDUL KARIM: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the clerks in Government offices generally draw more than double the salary of the compounders?

(*b*) Is it a fact that a compounder is punished for serving a wrong prescription made by a doctor?

(*c*) Is it a fact that some indoor compounders are given Rs. 5 per month as house rent?

(*d*) Is it a fact that they are entitled under section (*iv*) of rule 50 of the Dispensary Manual to free quarters?

(*e*) Is it a fact that compounders get no holidays and they have to work during Durga Puja, Kali Puja, Idul Fitr, Muharram, Christmas and other holidays?

(*f*) Are the Government considering the desirability of taking any steps as regards their pay, house rent and holidays?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The pay of clerks, on the average, runs above that of compounders.

(*b*) The action taken in the event of a wrong prescription being made up would depend upon the circumstances of the case.

(*c*) Yes, when free quarters are not available.

(*d*) Yes.

(*e*) The peculiar nature of compounders' work in hospitals must necessarily curtail holiday facilities, but I have no doubt that such arrangements as are possible to relieve them on these occasions are made.

(*f*) Not at present.

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state if he has satisfied himself by enquiries that the relief referred to in answer (*e*) has actually been given?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: That is my information.

Number of deaths in the Tangail subdivision of the Mymensingh district.

97. Maulvi NUR RAHMAN KHAN EUSUFJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing separately thana by thana and sex by sex (male and female) and denominations (Hindu

and Muhammadan) as far as possible in the Tangail subdivision of the Mymensingh district during the last 5 years—

(*i*) death from malaria;

(*ii*) death from kala-azar;

(*iii*) death from cholera;

(*iv*) death from small-pox;

(*v*) death from dysentery;

(*vi*) death from worm-complaints;

(*vii*) death at child-birth; and

(*viii*) death from other diseases, if any?

(*b*) Will the Hon'ble Minister be pleased to state the total number of deaths in the Tangail subdivision in the last 5 years stating the number separately thana by thana and year by year?

(*c*) Will the Hon'ble Minister be pleased to state what steps have been or are being taken by the Government to combat mortality in the Tangail subdivision and to improve its general health?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) and (*b*) The statistics asked for are not available in the few days remaining before the end of the session, but should the member still desire them they will be supplied to him, so far as accessible, when compiled.

(*c*) This is primarily a concern of the district board, and time does not permit of obtaining a statement of the measures taken by them in this subdivision.

Revenue derived from the Maniktala area by the Calcutta Improvement Trust and by the Calcutta Corporation.

98. Mr. S. M. BOSE: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the revenue derived by the Calcutta Improvement Trust in each of the years since its establishment and up to the year 1929, from the Maniktala area, particularly from the area now known as Ward No. 28 of the Corporation of Calcutta;

(*ii*) the total amount spent in each of the years mentioned above, for the improvement of this locality;

(*iii*) the revenue derived by the Calcutta Corporation from the Maniktala area since the amalgamation of the added areas in 1924; and

(*iv*) the amount spent in each of the years in respect of the same Maniktala area, particularly Ward No. 28?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*i*) to (*iv*) It is impossible to obtain this information before the close of the present session, but should the member still desire it the particulars will be communicated to him when compiled so far as they are accessible.

Introduction of elective system in the Bhatpara Municipality of the 24-Parganas district.

99. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the elective system is going to be introduced in the Bhatpara Municipality in the district of the 24-Parganas in the near future?

(*b*) If so, when?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) and (*b*) No such proposals are under the consideration of Government at present.

Tube-well at Nalda in the Howrah district.

100. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether a tube-well has been sunk at Nalda in the district of Howrah for which Government has given a contribution?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the amount contributed by Government for the purpose;

(*ii*) when was the contribution made;

(*iii*) whether the construction of the tube-well has been completed;

(*iv*) whether completion certificate has been submitted; and

(*v*) who has countersigned the completion certificate?

(*c*) Will the Hon'ble Minister be pleased to state whether any difficulty has been experienced with regard to the tube-well?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the nature of the difficulty?

(*e*) Is the Hon'ble Minister aware that there is a general public grievance with regard to the tube-well?

(*f*) If so, are the Government considering the desirability of taking any action in the matter?

(*g*) Is it a fact that certain newspaper cuttings were forwarded by the public to Government on the subject for necessary action?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) to (*g*) Government have no information in the matter nor has it been possible to obtain the necessary information from local authorities owing to shortness of time.

Mr. W. L. TRAVERS: Will the Hon'ble Minister be pleased to state how far this place Nalda in the district of Howrah is from Calcutta?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I have no information.

Mr. W. L. TRAVERS: If he has no information then how he can reply to this question in these terms?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: This information was obtained from the office. If further information be required it will be obtained from local authorities.

Mr. W. H. THOMPSON: Will the Hon'ble Minister be pleased to state how long it takes to send somebody to Nalda and obtain this information?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I require notice. I do not know where Nalda is.

Privilege of pension to the Assistant Directors of Public Health, Bengal.

101. Dr. Sir NILRATAN SARKAR: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Assistant Directors of Public Health, Bengal, are denied the privilege of pension at the termination of their service?

(*b*) Is it a fact that the Directors of Public Health and also the clerical staff of the department enjoy this privilege?

(c) Are the Government considering the advisability of allowing the Assistant Directors of Public Health the benefit of pension or some other emoluments for their service?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (a) In accordance with the resolution of the Government of India on Public Health, 1912, the pay of Deputy Sanitary Commissioners now Assistant Directors of Public Health was fixed on a non-pensionary basis.

(b) Yes.

(c) The pay of these officers was fixed at the figure adopted in view of the fact that their service is non-pensionary. The position will however be further examined.

Water scarcity of the district of 24-Parganas.

102. Maulvi MUHAMMAD SAADATULLAH: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government propose to spend any amount to relieve the water scarcity of the district of 24-Parganas?

(b) If so, how much?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (a) and (b) Government have no information as to the allotment which the Commissioner proposes to make out of the allotment from the grant for water-supply to the Commissioner, Presidency Division. The allotment for the whole division is likely to be about Rs. 70,000.

Anti-malarial campaign project for the Vishnupur subdivision of the Bankura district.

103. Babu SATYA KINKAR SAHANA: (a) Is the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department aware that the people of the Vishnupur subdivision of the Bankura district are suffering from want of good drinking water-supply and from malaria?

(b) Has any anti-malarial campaign been projected for the subdivision?

(c) Have any funds been set apart for boring tube-wells in the rural areas of the subdivision?

(d) If the answers to (b) and (c) are in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The people of the Vishnupur subdivision are suffering from lack of good drinking water, but the question of water-supply is more acute in the Sadar subdivision than in the Vishnupur subdivision. Malaria is also prevalent in some parts of the Vishnupur subdivision.

(*b*) Anti-malarial measures were undertaken by some union boards of the subdivision consisting of steps for clearance of dobas, tanks and drains for which Government made grants of Rs. 492 which were supplemented by local contributions amounting to Rs. 164. This year also arrangements have been made for the same purpose estimated to cost Rs. 1,340, of which Rs. 800 has been paid by Government. 40 lbs. of quinine was also supplied to union boards for distribution in malaria affected areas.

(*c*) Out of Rs. 8,150 given to the subdivision this year for water-supply in rural areas, Rs. 1,600 has been allotted specially for 6 tube-wells as Government grants to meet two-thirds of their estimated cost, the balance being met from local contributions. Some of the union boards have also spent money on tube-wells this year. Last year the Government spent Rs. 3,505 on water-supply including one tube-well. The district board also spent Rs. 8,352 for the same purpose including one tube-well with an overhead tank and connecting pipes. More attention is being paid to the sinking of tube-wells in the subdivision.

(*d*) Does not arise.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state what parts of Bhisnupur are free from malaria?

The Hon'ble Kumar SHIB SHEKHARESHWAR RAY: I would require further notice.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to inform us how the amount of Rs. 492 referred to in answer (*b*) was distributed and in what proportion?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I would require notice.

Mr. W. L. TRAVERS: In answer to question (*a*) the Hon'ble Minister states that the question of water-supply is more acute in the Sadar subdivision than in the Bhisnupur subdivision. Will the Hon'ble Minister be pleased to state why it should be so?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I have no information about the matter.

Number of officers and assistants in the Finance Department of the Bengal Secretariat.

104. Babu HOSENI ROUT: Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing—

(*a*) the number of—

(*i*) officers; and

(*ii*) assistants in the Finance, Commerce and Marine Departments immediately before the present Reforms system of Government;

(*b*) how that compares with the present number under those heads; and

(*c*) whether the number of assistants in these offices has increased with the number of officers, and if so, in what proportion?

The Hon'ble Mr. A. MARR: (*a*) to (*c*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 104 showing the number of officers and assistants in the Finance, Commerce and Marine Departments.

Finance, Commerce and Marine Departments.

	In 1920.	In 1930.
Officers ...	4*	6†
Assistants ...	68	79 *plus* 8 leave reserve.

Abolition of the Baruipur munsifi within the 24-Parganas district.

105. Mr. S. M. BOSE: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the Government are contemplating the abolition of the Baruipur munsifi within the 24-Parganas; and

(*ii*) if it is not a fact that the above munsifi has been in existence for a very great many years?

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*One of the 4 officers was also Assistant Secretary, Public Works Department.

†One of the 6 officers is also Labour Intelligence Officer and Registrar of Trade Unions.

(*b*) Are the Government aware that the existence of the above munsifi is of great convenience to the large number of people residing in the thanas of Joynagar, Canning and Protapnagar?

(c) Are the Government aware that public opinion of the locality is strongly against any proposal for the abolition of the above munsifi?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) No.

(*ii*) Yes.

(*b*) and (*c*) A representation has been received to that effect.

DEMANDS FOR GRANTS.

The discussion on the head "26.—Police" was then resumed.

Mr. S. M. BOSE: Mr. President, Sir, I wish to speak a very few words in support of the motion so ably moved by Mr. Chatterjee. We are, indeed, very grateful to him for bringing forward such a vital matter, and calling attention to a grievous wrong which has not, I am sorry to say, been redressed.

The apalling number of crimes against women is a disgrace to Bengal and to its police. Why so little has been done to mitigate this crying evil, why it is apparently as flourishing as ever, is a question which only the Home Member can explain. Sir, I have been for many years connected with a body known as the Women's Protection League, the life and soul of which is our deeply respected leader, Mr. Krishnakumar Mitra, to whom the women of Bengal owe a deep debt of gratitude. Now, the League has often felt considerable difficulty in getting the local police to move in this matter, and it has been in some cases necessary for us to approach the Hon'ble Member in charge of Police; and we gratefuly acknowledge that help has been freely given. I would request the Hon'ble Member to be so good as to send round a circular that the local police are to take *immediate* steps whenever they receive any complaint of abduction. Any delay on their part should be punished. The District Police should be, if necessary, stiffened by a special Police Department to deal promptly with such matters. If Mr. Chatterjee's suggestions are carried out, I have every hope that in March 1931, the Home Member will be able to tell this House that crimes against women have nearly disappeared. The House will then, I feel sure, vote the Police budget without a single cut. Sir, a few words more and I have done. If Mr. Chatterjee's suggestions are carried out, we shall, indeed, feel that the police are our friends and

allies, then there will be a new outlook; hitherto police and persecution, in the popular mind, have always gone hand in hand. But we should, as has been said, co-operate with the police; after all, they are our own people; they have often to perform very unpleasant, and sometimes dangerous duties. Let us have every sympathy for them, and let us not hate or despise them. Let us get rid of this traditional attitude. Both are to blame for this unfortunate position. But let there be a new orientation. Let us make them feel that they are our own people, who share our joys and sorrows, who are ready to serve their motherland to the best of their ability. Let the police in their turn regard themselves as servants of the people, whose happiness is their happiness.

Let the best type of our young men join the police and make the force truly national.

Maulvi SHAMSUDDIN AHMED: Sir, I will speak only a few words in support of the motion moved by Mr. B. C. Chatterjee. It may be misunderstood, as is sometimes given out in the newspapers, that the motion which has been brought forward by a Hindu member refers only to the abduction of Hindu women by Moslem *goondas*. If anything is done in this respect the fault lies with the newspaperwalas. It is the newspaperwalas who with flaring head-lines do all these things. *Goondas* are always *goondas*. I know, Sir, from my own experience that Moslem *goondas* abducted Moslem women and the police could not deal effectively with the *goondas*. In the same way Hindu *goondas* have abducted Hindu women and the police could not do anything. The increase in the number of abduction cases does not certainly redound to the credit of police officers. What is done by the Criminal Investigation Department? The grant under this head will come before the Council this afternoon and the Council will be asked to sanction it. If this sort of things continue, I do not understand what the necessity is of running the Investigation Department. Is it run for the purpose of running after those who want to work for the country and who have love for the country? With the greatest emphasis that I can command, I support the motion moved by Mr. B. C. Chatterjee and hope that Government will take a note of the fact.

Babu HARIBANSA ROY: Mr. President, Sir, in rising to support the motion, I beg to submit that the general policy adopted in administering this important department by the Government is not at all calculated to fully ensure the object for which this department is maintained. This department swallows a large portion of the total revenue and is more expensive than any other department. No doubt, this huge expenditure is sought to be justified on the assumption that the preservation of law and order and protection of the lives and properties, which

are the primary functions of this department. Now the question is—Has the Police Department been discharging its duties as effectively as in other civilized countries? The answer is emphatic "No." The reason is not far to seek. In other civilized countries the police officers are very popular and useful and they command the respect and confidence of the people. There is mutual trust and co-operation between the people and the police. But in our country what do we find? Instead of co-operation and mutual trust, people look upon the police with distrust and dread. If a police officer, or any constable visits the village, he is looked upon with a feeling of awe and villagers generally try to avoid him. Police officers do not realise that they are the servants of the public whose services should be at the disposal of the people. Have the authorities tried to find out the reasons of this popular distrust of the police and have they taken any steps to improve the relation between the police and the public? On the contrary, we find any complaint against the police brings down the denunciation against the complainant from the authorities, high and low. In the present state of the popular feeling, it is impossible to expect any co-operation from the people. By mere force, without any co-operation of the public, law and order cannot be maintained and this is why there is so much recrudescence of crimes which in most cases go undetected.

It is the duty of the Government to adopt such a policy as to change the present feeling of distrust, create an atmosphere of goodwill and ensure co-operation between the people and the police. The police officers should be made to realise that they are servants of the people and think it is their duty to help the people in their difficulties. Want of co-operation and mutual trust, for which the police are more to blame, are the root causes for the failure of the Police Department to work as efficiently as one would desire. It is for the Government to so remodel and perfect the system of the police administration that the people may readily recognise the policeman not as their oppressor but as their friend and protector.

In this connection, I may add that the system of organising village defence parties intensively, should be encouraged by all possible means. These parties, wherever they were formed, have proved successful in suppressing and detecting crimes. If the authorities encourage the villagers to form such parties, they will readily do it, as they know that these will be the effective means of suppressing crimes and eradicating any evils from which any village may suffer for the time being. But I regret to say that in some cases these organisations are looked upon with suspicion by the police authorities. If these defence parties are allowed to be established throughout the country they will be a very great source of strength to the police. In cases of abduction of women these parties will be very helpful to the police. With these remarks I support the motion of Mr. Chatterjee.

MUNINDRA DEB Rai Mahasai: Sir, I rise to support the motion so ably moved by my friend Mr. Chatterjee. The abduction of women has become a matter of common occurrence in this country. One thousand and thirty-three cases in five years or an average of 206 cases of abduction in one year is no joke. It clearly showed the inefficiency of the police force to afford protection to these abducted women. The peculiar social customs of the Hindus aggravate the miseries of the unfortunate women. They are discarded by society, by their own kith and kin, their dear and near ones for no fault of theirs. The women are termed the "weaker sex." Is it not the bounden duty of the paramount power to afford protection to the weak who are physically incapable of defending their honour? Although the majority of the women folk of this country are steeped in ignorance and superstition———.

Mr. PRESIDENT: Order, order. I do not advise you to go into so serious a matter incidentally—we are not discussing about the ignorance or superstition of any class or community.

MUNINDRA DEB Rai Mahasai: All right, Sir, in any case they value their chastity more than anything else in the world and its loss meant a good deal more than it is thought of in other civilised countries. It therefore behoves the Government to adopt stern measures to put a stop to or at least put a check to such sort of crimes. In some cases the perpetrators of such crimes go undetected and in others police remain indifferent in the matter specially if the ruffians had a long purse at their back. I would beseech the Hon'ble Member-in-charge to take up the matter in right earnest. Orders should be issued to the police to be always on the alert and in case they fail to detect the ruffians, they would be taken to task and severely dealt with departmentally. This would have a salutary effect on the police force and help to increase their efficiency. Huge amounts are annually spent for the upkeep of the Criminal Investigation Department to hunt up political offenders, to find out crackers and bombs and sometimes to build mountains over molehills. Cannot some of these officers be deputed to areas where abduction cases are common or where the culprits go undetected?

I cannot make myself believe that this all powerful Government is powerless to save the honour of the women of this country. Do they not belong to the same race which indignantly rose to a man to save the honour of a lady in the person of Miss Ellis a few years ago from the clutches of the hardy mountainous tribes of the North-West Frontier? Did not their stern attitude compel the tribesmen to restore the lady to her countrymen? Cannot the present Government take such drastic measures as would strike terror into the hearts of the ruffians and deter them from laying their hands on helpless women and ruin their lives? The people, I trust, are sure to co-operate with the police in the suppression of this crime.

The Hon'ble Mr. A. N. MOBERLY: I have got a large and miscellaneous lot of motions to reply to. The first two were moved by Maulvi Tamizuddin Khan. His grievance was that an insufficient number of Muhammadans are appointed to be Assistant Sub-Inspectors and by promotion from that rank are appointed to be Sub-Inspectors. The rules about the appointment of Assistant Sub-Inspectors are that they are to be recruited either by promotion from the rank of constables or by the enlistment of outsiders. On the occurrence of a vacancy in the rank of Assistant Sub-Inspectors the Superintendent reports it to his Deputy Inspector-General, and at the same time states whether he has a constable fit for promotion. If not, he shall submit his nomination from among outsiders. In doing so, he shall give preference to those who were nominated for appointment as Sub-Inspectors but were not finally selected by the Inspector-General. In case of direct recruitment, not less than 33 per cent. of the vacancies shall be given to the Muhammadans in the Presidency, Bakarganj, and Dacca Ranges, and not less than 20 per cent. in the Burdwan and Rajshahi Ranges, provided that suitable Muhammadan candidates are available. I think members will agree with me that the principle which obtains in the police force, viz., that a constable may rise by merit to any post is an extremely good one. Therefore, I think it is only right that where there are well qualified constables available they should have a preference in appointment to the rank of Assistant Sub-Inspector. This same question was raised last year by Maulvi Tamizuddin Khan, and I then pointed out, as he has acknowledged, that the way to ensure a larger proportion of Muhammadan Assistant Sub-Inspectors is to provide well qualified Muhammadan constables. Even if a Muhammadan constable is not very well qualified when he begins, we train him in the police training school and give him every opportunity for getting on.

As regards the direct appointments, the best chance of Muhammadans getting them will be if the Muhammadans who are nominated for appointment as Sub-Inspectors but are not finally selected will put their pride in their pockets for a time and become Assistant Sub-Inspectors. I have not the slightest doubt that the Superintendent of Police who had nominated a Muhammadan as a Sub-Inspector would jump at the chance of getting him as an Assistant Sub-Inspector if he came forward. We have recently impressed on Superintendents of Police that they should persuade gentlemen who have been nominated as Sub-Inspectors but have failed to get the appointment, to join as Assistant Sub-Inspectors. Half the vacancies in every year in the rank of Sub-Inspector are filled by direct appointment and the rest are filled by promotion from among the Assistant Sub-Inspectors. The rules which govern these promotions are that every year Superintendents will submit to their Range Deputy Inspectors-General the names of not more than five Assistant Sub-Inspectors and two head constables serving

in their district whom they recommend for permanent promotion to the rank of Sub-Inspectors. There, again, if we have more well qualified Muhammadan Assistant Sub-Inspectors they would have a better chance of being appointed Sub-Inspectors. Really we have got to begin at the bottom. If we have more Muhammadan constables and more Muhammadan Assistant Sub-Inspectors, the inequality will right itself, but until then we cannot depart from the principle which we follow in all services, viz., that in selection for promotion no communal consideration can be given any weight at all. When it is a matter of promotion within a service, we have to go for the best men in the service, and I think it stands to reason that it will create a feeling of general discontent if a good officer feels that he has been passed over by his inferior on purely communal grounds. That was the principle laid down in 1925, and I can hold out no hope that it will be departed from. When it is a matter of direct recruitment the position is different, but within a service, I think, full attention must be paid to merit.

For the moment I will leave the next motion that was moved by Maulvi Syed Jalaluddin Hashemy and pass on to motion No. 256 which was moved by Mr. S. M. Bose. Mr. Bose wants to know various things. But I may begin by saying that the new musket is not at the moment a luxury but a necessity because the muskets which are being replaced are, in the large majority of cases, unfit for use. They are positively unsafe and they have been condemned as unsafe. The total cost for re-arming Bengal is approximately Rs. 3,38,500. The expenditure has been administratively sanctioned by Government, as all new expenditure has to be, before it comes to the Council at all, but, of course, the ultimate decision rests with this Council.

Then he asked who the Chief Civil Master Armourer was. He is an officer of the Government of India, who has no particular interest in anything except to inspect arms to see what their condition is, whether they can be repaired or whether they should be scrapped. He has examined a large number of arms in a large number of districts, and the condition of the police arms throughout Bengal at the present moment or rather until we began to replace them on a very small scale by reappropriation was a scandal. Then it has been pointed out that this weapon is said to be of improved type. The chief difficulty about replacing the old type is that those particular arms are now no longer manufactured, and they are unobtainable unless we make them new. Before the Government of India decided on this ·410, they made various enquiries from various firms with a view to discovering whether contracts could be placed which would provide satisfactory arms at cheap rates, and eventually they came to the conclusion that the cheapest thing they could do would be to bore out a large number of ·303's and convert them into ·410's. This is the cheapest form of rearmament. I do not know whether it is suggested that the armed police should be abolished

altogether, but I would submit that that is absolutely out of the question. The number of arms is not being increased; they are being kept down to what we consider to be the minimum necessary. We are, however, replacing obsolete and dangerous weapons by new ones which we hope will last for a considerable number of years.

I now come to motion No. 257—a very comprehensive enquiry on the part of Maulvi Syed Jalaluddin Hashemy as to what contract contingencies are. If I had known that he was going to put that problem to me yesterday afternoon I should have been glad to explain it to him in detail yesterday morning when he came to see me in Writers' Buildings and I should, thus, have saved the time of the Council. As it is I am afraid I shall have to waste a certain amount of time because I cannot afford to let the demand for the grant of contract contingencies go.

The sum appears, as has been stated, to be a large one, but it must be remembered that there are a large number of districts, a large number of subdivisions and a very large number of police-stations. Now, the following are the items of contract contingencies which concern the Police Department: The first is "Petty repairs" and another one is "Oil for lighting purposes." Sub-Inspectors and other police officers are liable to be called out at any hour of the day or night. A Sub-Inspector might have to record a first information in the middle of the night and he cannot be expected to do that by moonlight, especially in the dark days of the month. These sums total up to a considerable amount. A large investigating centre costs Rs. 2-13 a month for lighting charges and a small investigating centre costs Re. 1-14. A town outpost costs annas 15 for ordinary lighting charges and annas 10 per month for patrol lanterns.

As regards petty repairs to buildings it is impossible to frame elaborate estimates for a very large number of buildings which would come up to the Inspector-General of Police for special sanction. Therefore grants are made to each district on the scale of Rs. 250 a year for repairs to police-stations and Rs. 100 for repairs to outposts and the Superintendent of Police is responsible for getting the necessary estimates and doing the necessary work. I do not think that the Council can regard this amount as very excessive.

Other items are "country stationery," "temporary boat establishments," "hire of boats," "country medicines," "charges for vagrants," "passage and diet money of insane persons sent to or discharged from an asylum," "hot and cold weather charges" which includes punkha pulling charges and things of that sort, "conveyance of dak" and such other charges, "repairs to tents," "purchase and repair of furniture" including furniture for mortuaries, "post and telegraph charges" a

large item, when it is spread over the whole province, "office expenses," of various sorts, "pay of menials"—some of the menials who are known as "contingency menials" are not paid from the budget for establishment but from contract contingencies, "repairs to accoutrements" and "repairs to typewriters." All these cost a good deal of money. "Charges for current for electric lights and fans" are not yet a very large item, but it will grow larger in future. All these cost about Rs. 5½ lakhs a year. I admit that the demand this year is larger than it has been in the past. This is due to the inclusion of a special item under the head "Repairs to launches and river police-stations." Owing to the care with which the police budget has been framed in the past—framed with the object of cutting down expenditure as far as possible, I regret to say that repairs to launches and river police-stations have not been carried out as fully in the past as they should have been. We have now reached the position that unless we get an extra Rs. 40,000 odd in 1930-31, valuable property in the form of launches and police-stations will run the risk of becoming practically a total loss. At any rate, if we do not spend this in 1930-31, we shall have to spend a good deal more money later. People may say what is the use of river police-stations? People in Western Bengal and also in Northern Bengal probably cannot see much use in them. But I think people from Eastern Bengal and a portion of the Presidency Division will be considerably aggrieved if we have to close down the river police-stations for want of accommodation. The cry from those quarters has been for more river police-stations and not for less. I hope I have satisfied this House now about the question of contract contingencies.

I now come to what, perhaps, I may term the meat of this bunch of motions. I must congratulate members on the moderation with which they have spoken on a subject on which I know they feel very deeply. But I must ask them to believe that Government also feel very deeply on the subject—I speak of the abduction of women. These cases, I regret to say, occur in considerable numbers in Bengal although when it is remembered how large Bengal is and how large its population is, the figures given do not indicate that they are of very frequent occurrence in any particular locality. Government have, for some time past, been paying attention to this matter but it is much more easy to call attention to the evil than to produce a remedy. The Inspector-General of Police is, at the moment trying to devise special measures for dealing with this form of crime. It has been impressed on him and by him on his Superintendents and by them on the police under them that Government do regard this form of crime as a very serious evil, and that they must do their best to detect the cases which occur and to bring the culprits to justice. Cases of this kind are very difficult to detect and even when charge sheets are submitted it is, by no means, always, I regret to say, that conviction follows. The proportion of cases which

are [illegible] too satisfactory, on the other hand it is not too hopelessly bad. It has been proposed that the District Police should be stiffened by a special force. I think it will be difficult for anything except a very large special force to be able to do much in the way of prevention because the area is so large and the total number of cases is comparatively so small. More might perhaps be done if we had a special detective police to deal with this form of crime. I am rather doubtful about it myself but I shall consult the Inspector-General of Police and if he thinks it desirable and necessary and I can get Government to agree to the expenditure as unavoidable, then I will come up to the Council for a supplementary grant.

We have been told that the police in Bengal are inefficient and unpopular though I was glad to notice that one member at least did mention that they were their own people. Now if the people of this province—educated people of good families get into the police as Inspectors and Sub-Inspectors, why should it be that they immediately become in the eyes of their fellow countrymen monsters of iniquity, of whom everybody is afraid? I find it difficult to answer that question. It seems to me that if a man holding the position of a police officer feels that every one's hand is against him, then it is difficult for him to give of his best. (Mr. B. C. CHATTERJEE: His hands are against everybody.) I do not think that that argument which has been put forward in the form of an interjection can hold water, because when an officer is first appointed his feelings and his traditions must be the feelings and traditions of the class from which he comes. Why then should he begin with his hand against everybody, if everybody's hand is not against him?

It has been said that the authorities make no attempt whatever to promote courtesy on the part of the police. That I deny. Whenever complaints are brought against a police officer they are carefully sifted and if the police officer is found to have abused his position or been rude to people he is suitably dealt with.

4-15 p.m.

I think members would be surprised at the number of proceedings against police officers which are drawn up every year. At the same time I regret to say that a very large number of absolutely unfounded and totally false cases, both civil and criminal, are brought against the police every year, and the knowledge of this large number of cases does make it more difficult to deal with the true ones without pretty conclusive proof. I can assure this House, however, that Government fully alive to the necessity of keeping the police pure, and of ensuring, as far as can possibly be done, that their relations with the public shall be courteous and cordial: and I can only hope that the public,

at any rate those sections and classes of the public from among whom these police officers are drawn, will treat them in like manner and will not consider that because a man chooses to earn his daily bread by becoming a police officer, he, therefore, necessarily becomes a pariah.

It has been suggested that we might encourage the villagers to do more in the way of preventing local crime. It is some years since defence parties were established. I have been personally interested in more than one district in the working of these defence parties and they have done most valuable work and I should like to see more of them. Occasionally, it has happened in the past and it is always possible that it may happen in the future that a defence party will go off the rails; but these instances are comparatively few; and I acknowledge the valuable work which defence parties have done in Bengal during say the last 10 of 12 years.

Now, I come to the question of communal riots. The first motion on the subject was moved by Maulvi Jalaluddin Hashemy. His speech was not very helpful—it seemed to be rather a matter of lugubrious prophecy and references to occurrences which took place some years ago in other provinces than a practical contribution to the problems of today.

Dr. Amulya Ratan Ghose who followed seemed to be able to find no later instance than one in 1927 on which he could pin his arguments. I think the House would prefer that I should not waste their time further by going into ancient history of that sort. There remains the speech of Mr. B. C. Chatterjee———

(At this stage the Hon'ble Member reached the time-limit.)

The Hon'ble Mr. A. N. MOBERLY: As I am replying to five motions, may I have some more time?

Mr. PRESIDENT: Yes, you may have a few minutes more.

The Hon'ble Mr. A. N. MOBERLY: Mr. Chatterjee's motion dealt with the large question of handling riotous occurrences. One of the difficulties in handling riotous occurrences is that the rioters as a rule do not begin when the police are standing close by: they begin the riot when the police are away from them and the police have to get there as best they can. The result, as has been pointed out, is that the occurrence is very often over before the police get there. But I may inform the House that in the case of Dacca, to which Mr. Chatterjee specifically referred, this did not happen, and it was actually the police who dispersed the rioters. The procession out of which the occurrence at Dacca started was not a procession which started fully organised from a given centre, but it was formed by the amalgamation of a number of small parties with whom the police were not able to keep in touch.

I am not going into the details of the actual occurrence, because the case is now pending before the Courts, but I will only say that the police did get information before the occurrence was over and the rioters were eventually caught, I understand, between two parties of police converging on them from opposite directions.

Now, Sir, I come to the subsequent occurrences at Dacca, and here I would join Mr. Chatterjee in paying a tribute to the magnificent work done by my friend, Nawab Khwaja Habibullah, in keeping the Muhammadans quiet under the gravest provocation. It has been a marvel to me that he was able to do this, and Government and his countrymen owe him all thanks and honour for the work he did. But, Sir, I think the Nawab himself would be the first to acknowledge that had it not been for the presence of the police pickets—and these pickets were posted throughout Dacca within a very short time of the original occurrence—the loss of life in Dacca would have been very serious indeed. I do not understand how Mr. Chatterjee can insinuate that Dacca would have been pacified if there had been no police there at all. I may only refer to the incident of 1926 when unfortunately there were also riots in Dacca which started in a similar sort of way. On that occasion, it was expected that there might be trouble during a certain night and all the police in Dacca were kept on duty until early morning when by an error of judgment or, at any rate, miscalculation it was thought that the danger was then over and the police were allowed the rest they needed so much. Within an hour Dacca was ablaze. I think, Sir, I need say nothing more about that.

The police welcome the co-operation of the public. They ask for nothing more than that they shall be accepted by the public as their friends and that the public shall be their friends. But as long as they are treated with suspicion and as pariahs, I do not think that that happy consummation will come about.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member give us an assurance that Government will give special instructions to the superior and subordinate officers including constables to be polite to the public?

The Hon'ble Mr. A. N. MOBERLY: I have great pleasure in giving him that assurance. It is probably already in the Police Regulations.

The following motions were then put and lost:—

"That the demand of Rs. 20,50,000 under the head '26C.—District Executive Force—Pay of Sub-Inspectors' be reduced by Rs. 100 (to draw attention to the inadequacy of Muhammadan Sub-Inspectors recruited by way of promotion from the grade of Assistant Sub-Inspectors)."

"That the demand of Rs. 10,10,000 under the head '26C.—District Executive Force—Pay of Assistant Sub-Inspectors and Head Constables' be reduced by Rs. 100 (to criticise the policy followed in recruiting Assistant Sub-Inspectors by way of direct recruitment)."

"That the demand of Rs. 86,27,600 under the head '26C.—District Executive Force' be reduced by Rs. 100 (to draw attention to the work of the Police in coping with communal riots)."

The following motion of Mr. S. M. Bose was then, by leave of the Council, withdrawn:—

"That the demand of Rs. 2,07,000 under the head "26C.—District Executive Force—District Police—Arms, accoutrements and ordnance stores' be reduced by Rs. 1,07,000."

The following motion was then put and lost:—

"That the demand of Rs. 5,85,100 under the head '26C.—District Executive Force—Contract contingencies' be refused."

The motion that the demand of Rs. 1,71,000 under the head "26C.—District Executive Force—Pay of Officers" be reduced by Rs. 100 (to draw the attention of Government to the inefficiency of the said Force specially in the matter of affording protection to abducted women and handling riotous occurrences) was then put.

Mr. B. C. CHATTERJEE: Shall I be in order if I ask for permission to amend this motion by deleting the words "and handling riotous occurrences."

Mr. PRESIDENT: I am afraid I cannot allow you to do that.

Mr. B. C. CHATTERJEE: In view of your ruling I do not wish to press the motion.

The motion of Mr. B. C. Chatterjee was then, by leave of the Council, withdrawn.

(At 4-29 p.m. the Council was adjourned for prayer and it reassembled at 4-44 p.m.)

The following motions were called but not moved:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 2,43,000 under the head '26D.—Police Training School' be reduced by Rs. 2,00,000."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 3,96,000 under the head '26E.—Special Police—Eastern Frontier Rifles (Bengal Battalion)' be refused."

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 262, 263 and 264. Is there any objection to that?

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the demand of Rs. 5,40,000 under the head "26F.—Railway Police—Pay of Establishment" be reduced by Re. 1 (to draw the attention to the proper checking of Railway thefts).

At the very outset I may say that this motion is intended only to draw the attention of the Hon'ble Member in charge of the department to have a more effective check on the railway police especially in regard to thefts. It is known to the House how parcels sent through railway agencies are tampered with, specially fruit parcels and vegetable baskets. Ninety-nine per cent. of these baskets are received in a broken condition, either empty or half full of other rotten things. It is peculiar to realise how sympathetic these traders are towards the railway authorities, for being in sympathy with them they see that the railway authorities do not suffer in any way by way of compensation or damages. The railway authorities think they can shake off their responsibility if they deliver a parcel having a weight equal to that which the parcel originally bore. When a parcel has been delivered with the right weight, the railway authorities do not entertain any further claim whatsoever. When a parcel is delivered, in most cases it is found to be filled with bricks and broken pieces of stones to make up the weight. I myself have received several parcels full of bricks and broken pieces of stones. This nefarious practice has been going on for the last 30 or 40 years very successfully and now they venture to extend their business to a more profitable direction, namely, to rob the property of passengers. Several cases have been reported recently where the properties of passengers, especially of the higher class passengers, have been robbed. In spite of the device that has been made by the railway authorities of safety catches on the carriages several theft cases have occurred recently and passengers robbed of their belongings. It is very unsafe nowadays to travel at night—unsafe with regard to property as also with regard to life. For these reasons I beg to draw the attention of the Hon'ble Member-in-charge and ask him to pay more attention to the checking of these evils.

With these words I beg to move my motion.

Mr. PRESIDENT: I think Maulvi Tamizuddin Khan need not move his motion but he can speak on the motion that has been already moved as the two are identical.

Maulvi TAMIZUDDIN KHAN: I do not move my motion nor do I intend to speak on the previous motion, Sir.

The following motion was not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 8,07,300 under the head '26F.—Railway Police' be reduced by Rs. 100 (to draw attention to the inefficiency of the Railway Police)."

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 8,07,300 under the head "26F.—Railway Police" be reduced by Rs. 50,000.

In the year 1928-29 Rs. 4,95,273 was actually spent under the head "Pay of establishment" whereas this year the demand is for a much greater amount, viz., Rs. 5,40,000. Under the head "Contract contingencies" only Rs. 7,158 was actually spent whereas the amount of Rs. 13,300 is being demanded by the Government. The Government of India is making a huge profit from the railways and I do not know why the Bengal Government will be compelled to pay such a huge amount. It is the duty of the India Government to pay for the maintenance of the railway police because it is maintained for the protection of the railway property only. Nothing can be said and suggested for the improvement and the supervision of the railways by the House whereas I am surprised to see the demand for the railways under consideration of the House. The amount of Rs. 55,000 is payble to the Bihar and Orissa Government on account of the Bengal-Nagpur Railway police and a demand has been made but not a single pice is derived from the profits of the Bengal-Nagpur Railway Company which takes the heaviest rate of fares from the passengers. There are concessions in other railways but the Bengal-Nagpur Railway Company does not grant sufficient concessions to the passengers. The rates of the third class railway fares should be further decreased.

My second point is that the railway police is not at all efficient. It is very difficult to go to the different stations without being a victim to the ever-loitering pick-pockets. In the railway compartments poor third class passengers fall victims to the small luggage lifters and petty pilferers. Goods are still being daily stolen from the trains during transit. Seizures of opium and the like things which are smuggled through the railways and the price of the articles seized can well afford and maintain the police. I do not know how the Bengal Government can be asked to pay for the expenditure of the railway police the income derived from which goes to the India Government.

So I beg to move that as the Bengal Government is not responsible for the expenditure of the railway police whose only duty is to protect the property belonging to the railway, the demand be reduced by only Rs. 50,000 out of the total amount of Rs. 8,07,300. I do not know for

what purpose or reason this Government should bear the expenditure for the upkeep of police in a railway the income of which goes to another exchequer.

Mr. W. L. TRAVERS: I speak as an upcountry member and from that point of view I wish to oppose this motion for reduction of the grant for railway police. Now, first of all, we must remember what a railway centre is. We have a vast scattered area peopled by a large number of casual labourers. On the one hand, therefore, the prevention of crime is surely difficult and on the other there is valuable material which is comparatively easy to steal. Those of us who live upcountry and who remember the condition of affairs some 15 years ago wish that more money were spent on this head and there were more improvement in the railway police rather than a reduction and deterioration. I call to mind 15 years ago when up in the north of Bengal it was hardly possible for us to procure any stores or necessities from Calcutta which were not insured. Constantly and frequently cases of interesting things such as whisky would come the weight correct but with bottles which were full of water from the river Brahmaputra or some other river of that description. That of course is my personal experience but the same thing happens with regard to the food of the people to their great inconvenience and grave loss. Now in the last few years there has been a considerable improvement. The casual labour which surrounds the large railway centres is to a certain extent under supervision and prevention of this crime is more efficient. For these reasons my party will oppose the motion proposed by the new member (Dr. Ghose) who has celebrated his arrival in this Council by making at least twenty maiden speeches.

Maulvi ABUL KASEM: I rise to support the motion. I do not complain of the inefficiency of the railway police, Sir. But I am sorry that my friend the mover did not propose a token cut instead of a big cut from the demand under this head. I am sorry I am not able to support him in that respect. But so far he has only raised a discussion about the inefficiency of the railway police. The railway police is maintained by the Government for the protection both of the trade centres and of the railway companies. But so long the railway police has failed to prevent crimes or protect railway parcels being stolen from railway yards and stations, and so much so that each of the railway systems has had to establish a Watch and Ward Department for this very purpose. Secondly, the railway police instead of helping justice stand on mere technicalities. I remember a case of theft which was committed in Burdwan and the man who committed the theft got into a train and fled. Information was lodged with the railway police at the thana but the officer at the thana said that the theft was committed at the city and the railway police was not going to take up the matter.

5 p.m.

But by the time the complainant could go to the city and lodge a complaint, the passenger was about a hundred miles away, and he might have dropped down at any station. He requested the police to telegraph to the next station to have the man arrested, but this was not done.

Sir, I have long experience of railway travel and I have found that whenever any complaint is made, either against theft or any other offence, to the railway police, they are absolutely apathetic and neglectful. If the railway authorities are consulted in the matter, I believe that they will be able to corroborate my statement. I think it is high time that some steps were taken to put some sort of life into this department and make it useful to the public.

The Hon'ble Mr. A. N. MOBERLY: Sir, Dr. Amulya Ratan Ghose suggests that because the railways in India belong to the Central Government, and because the Central Government annex the profits, therefore the Central Government should pay for the railway police. If, Sir, he could convert the Government of India to his views, nobody would be more pleased than Mr. Marr and myself. I am afraid, however, that this is a matter on which the Government of India are absolutely adamant, and it will not advantage the people of this presidency if this Council cuts the grant for railway police by half a lakh of rupees in the hope that the Government of India will make up the deficit. They will not.

Sir, attention has been called to the fact that we are asking for more money for establishment in 1930-31 than was spent in 1928-29. I have explained on a previous motion, probably by the same mover, that in 1928-29 the revised pay of the police was only in force for four months, whereas in 1930-31 it will be in force for twelve. I would rather ask the mover to refer to the total figures for the budget estimate of 1929-30 as compared with that of 1930-31, when he will find that we are asking for Rs. 8,000 less in total voted and non-voted than was granted by this Council last year. I do not think that this Council expects Government to manage the railway police for a smaller sum in 1930-31 than what they expected to spend on it in 1929-30, and I submit that the actuals of 1928-29 are not a safe guide, considering the alteration in the pay of the subordinate ranks of the police.

Then he mentioned an increase in contract contingencies from Rs. 7,300 to Rs. 13,300, but he omitted to notice that "Other contingencies" have decreased from Rs. 1,34,250 to Rs. 1,22,500. I do not think, Sir, that our demand is really excessive considering the work to be done.

Now I come to the motion of Raja Bhupendra Narayan Sinha Bahadur of Nashipur. I have been partly forestalled by Mr. Travers, who has given his impression as a user of the railway that matters have

improved considerably within recent times. I now have great pleasure in crossing the t's and dotting the i's of his impression by giving the Council actual figures for thefts on the different railways in Bengal, that is to say, the East Indian Railway and the two sections of the Eastern Bengal Railway. I must omit the Bengal-Nagpur Railway, because that is administered by the Bihar and Orissa police. On the East Indian Railway the number of cases of thefts during the last four years have been as follows: In 1926 there were 684 thefts, in 1927 there were 324, that is less than half; in 1928 the number was 229 and in 1929 it was 191, showing a large and progressive decrease. On the Saidpore section of the Eastern Bengal Railway the corresponding figures are: 134 in 1926, 175 in 1927, 143 in 1928 and 144 in 1929. I regret to say that there has not been such a general improvement there, but there is certainly no tendency to show that this particular form of crime is either very serious or largely on the increase. I now come to the Sealdah section of the Eastern Bengal Railway. In 1926 there were 336 thefts, in 1927 the number was 262, in 1928 it was 243 and in 1929 it was 242. There again the decrease is progressive, though not so striking as it has been on the East Indian Railway. I have not got the figures for total crime on railways in 1929, but the figures of the five previous years are interesting. In 1924 there were 9,669 cases in all, in 1925—7,101, in 1926—5,377, in 1927—4,672 and in 1928—4,107, which is considerably less than half the number in 1924. I submit, Sir, that it is impossible for the railway police, or any police, to prevent crime altogether, but I do maintain, Sir, that the progressive improvement which has been shown is an indication that the railway police are not as inefficient as they have been represented to be by the movers of this motion.

The motions of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur and Dr. Amulya Ratan Ghose were then put and lost.

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 265 to 272. Is there any objection to that?

[No objection was taken.]

The following motions were called but not moved:—

Rai SATISH CHANDRA MUKHARJI Bahadur and Maulvi SYED MAJID BAKSH: "That the demand of Rs. 30,000 under the head '26G.—Criminal Investigation Department—Temporary Officers' be refused."

Rai SATISH CHANDRA MUKHARJI Bahadur: "That the demand of Rs. 30,000 under the head '26G.—Criminal Investigation Department—Pay of Officers—Temporary Officers' be reduced by Rs. 18,000 (being the provision for the pay of 3 temporary officers)."

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move that the demand of Rs. 2,97,000 under the head "26G.—Criminal Investigation Department—Temporary Force" be refused.

Sir, I shall be as brief as possible because there is not much time left for the discussion of the Police budget. Sir, I can understand the C. I. D., because I know that they appear here, there and everywhere. They are to be met with in trains, college messes, hostels, and even in this Council Chamber. I know, Sir, the C. I. D., and I know also the sections and sub-sections of the C. I. D.: I know the S. B., D. D. and other alphabetical names. I do not wish to add to their names. I do not, however, know what this Temporary Force consists of. Perhaps it consists of spies and *agent provocateurs*. Possibly, it is this Temporary Force which is now working against the interests of the country. It is this force which one day insulted the motherhood of Bengal—I am referring to the instance of Sindhubala. I know, Sir, that this Temporary Force insulted the manhood of Bengal once—I mean of young Bengal in the Dullunda House.

Sir, formerly, the C. I. D. was intended to deal with operations of the Criminal Tribes Act or some sections of the Indian Penal Code, especially sections 109 and 110, or some such sections like that. Now, Sir, what do we find? The C. I. D. are generally used for political purposes. And I would suggest that the name C. I. D. should be changed to P. I. D., i.e., Political Investigation Department. I do not say, Sir, that the I. B. or the C. I. D. is not necessary. We know that even after we get complete independence, we shall have to retain these departments. I will only add that this department should be kept under control. I would ask the Hon'ble Member-in-charge to say how many motor-cars are there at the disposal of this Temporary Force, and for what purposes those motor-cars are generally used.

I do not know of any so-called terrorist conspiracy or terrorist movement in Bengal, but I may add that wherever we go—even if we go to our bed-rooms or bath-rooms—we are not free from the eyes of the C. I. D.

Sir, if we go out of Bengal, if we go to Assam, if we go to the Punjab, we shall have the Bengal C. I. D. dogging our steps. I know that the people of Bengal know this department particularly well. I hope members of this House will not vote any money for this department because we know that it tortures people and induces many to become approvers. This department also starts false cases, and we sometimes find revolvers falling from heaven, as happened in the Bhowanipore case in which Babu Subhas Chandra Bose and others were involved. A revolver came out from nowhere or perhaps it fell from heaven.

Sir, we know—we have definite proof—that the C. I. D. people move about in the guise of students, lawyers, and sometimes in the guise of prominent men, and they suggest——

[At this stage the time-limit under the head "26.—Police" was reached.]

The motion of Maulvi Syed Jalaluddin Hashemy was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mahan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Ashrafuddin.
Chowdhury, Maulvi Abdul Ghani.
Ghose, Dr. Amulya Ratan.
Guha, Babu Prafulla Kumar.
Hashemy, Maulvi Syed Jalaluddin.
Maiti, Mr. R.
Meekerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemni.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Bal, Mr. Sarat Chandra.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sushi Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelka-im.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gupper, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hagg, Mr. B. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Rose, Mr. G. F.
Rutherfurth, Mr. F. V.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. E.
Stevens, Mr. H. S. E.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes 57, the motion was lost.

5-15 p.m.

The motion that a sum of Rs. 1,96,93,000 be granted for expenditure under the head "26.—Police" was then put and agreed to.

The time-limit having been reached the following motions under the head "26.—Police" were not put:—

Rai SATISH CHANDRA MUKHARJI Bahadur: "That the demand of Rs. 1,12,000 under the head '26G.—Criminal Investigation Department—Secret Service Money' be reduced by Rs. 12,000."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 10,69,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 4,51,000."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 10,69,000 under the head '26G.—Criminal Investigation Department' be reduced by Rs. 20,000."

Dr. Sir NILRATAN SIRCAR: "That the demand of Rs. 10,69,000 under the head '26G.—Criminal Investigation Department' be reduced by Re. 1 (to discuss a question of policy)."

Maulvi ASHRAFUDDIN CHAUDHURI and Maulvi HASSAN ALI: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Rs. 50,00,000."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Re. 1 (to draw attention to the fact that no steps have been taken to put a stop to the crimes committed in the Narail police-station, district Jessore)."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Re. 1 (to discuss the general policy of the Police Administration)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Re. 1 (to express disapproval of the policy in recruiting non-Bengali to the rank of constables in the Bengal Police Service)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Re. 1."

Mr. MUKUNDA BEHARI MULLICK: "That the demand of Rs. 1,96,93,000 under the head '26.—Police' be reduced by Re. 1 (general policy with reference to backward classes)."

27.—Ports and Pilotage.

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 4,63,000 be granted for expenditure under the head "27.—Ports and Pilotage." The details of this demand are given on page 61 of the Green Book, and I do not think I need add anything at present.

The following motion was not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,930 under the head '27C.—Ports and Pilotage—Ports Establishment—Allowances, honoraria, etc.,' be reduced by Re. 1 (on the ground that no efforts are made to take in Indians)."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 4,63,000 under the head "27.—Ports and Pilotage" be be reduced by Rs. 100 (to urge upon the Local Government to point out to the Government of India the necessity of its intervening in the present rate war between coastal steamship companies running between the port of Chittagong and other places).

Sir, in moving this motion of mine my intention is not to raise a controversial matter or to rake up racial question in connection with the development of coastal shipping in India. For the purpose of this motion, it is not necessary to discuss the question of national coastal shipping and I am content to accept the position that in the best interests of the country, we must have Indian and European shipping for coastal services. I am only moving this motion to draw the attention of the Government of India through the Local Government to the unfair competition that is going on between European and Indian steamship companies, which in the long run is bound to injure the interests of the country. The members of the House are probably aware that a steamship company named the Bengal Burma Steamship Company had been started by some of our countrymen to work between Chittagong and other coastal ports. Immediately after the start, there was a rate war between this Indian and another European steamship company. As a result, the Bengal Burma Steamship Company, the Indian concern, had to close the concern. It has recently been revived but has been running at a considerable loss. The British India Steam Navigation Company, which is an European concern and which runs steamers from Chittagong to Rangoon and other places, has again started an unfair rate war to kill this Indian concern. It may not be out of place if I give certain figures in this connection. Formerly, the freight per ton of rice was Rs. 12, but immediately after the Indian company came in, the British India Steam Navigation Company reduced it to Rs. 4-8. The rate for

one jar of eggs which contain about 10,000 eggs used to be Rs. 10, but has been reduced to Rs. 2. The fare from Rangoon to Chittagong was Rs. 16, but is reduced to Rs. 8. The fare from Rangoon to Chittagong was Rs. 14 and is now reduced to Rs. 6. The fares between Rangoon and Coconada and Coromandal have also been reduced from Rs. 17-8 and Rs. 16-8 to Rs. 10. But the Indian steamship company is still maintaining and has to maintain the old rates. As a result of this unfair competition it has become practically impossible for the Indian steamship company to take its stand in the shipping development of this presidency. When the Indian steamship company first came in, there was this rate war. But immediately the Indian company ceased to exist, the British Indian Steam Navigation Company enhanced their rates, with the result that what they lost was compensated in a short time. I am informed that even now whenever there is any Indian steamer available, the British Indian Steam Navigation Company charge lower rates, but when there is no such service, they charge very high rates. It is clear that the Indian steamship company will have to close down unless some intervention is made by the Government of India in the matter of this unfair rate. It is possible for the Government to intervene with its power of patronage and mail contracts. We have been told that Indian capital is shy: we are also told that we do not take any interest in the business of the country. But if this state of things goes on, it is impossible for any capitalists to come in. Unless some intervention is made in this matter, you will find that Indian shipping industries will all die. I will give you one example how an industry died at Rangpur. The cheroot-making industry was started by an Indian company at Rangpur, but immediately it was started, the Peninsular Tobacco Company sent out their men and began to dump the market and to sell at cheaper rates until the Indian company had to close down, and up till now it has not been possible to revive the industry in spite of the fact that Rangpur sends raw tobacco to Madras and other places worth many lakhs of rupees. Those who are interested in the ordered development of the country will agree with me that this is a matter in which intervention of Government is absolutely essential. After all, it is as a result of such unfair competition that India has learnt to raise the cry of protection against non-Indian goods, and the national coastal shipping cry would not have been raised, if Indian concerns had fair treatment. I want European companies to exist not to enter into unfair rate against pioneer Indian concerns, but to compete on equal terms. There are people who question the wisdom of having European shipping companies against Indian steamship companies, but what I want is that there should be a fair competition and not an unfair competition in rates. I know it is not within the jurisdiction of the Bengal Government to take any action in the matter, but I also know that it is possible for the Government of Bengal to refer the matter to the Government of India. The people of

course, would have been gainer in the long run if the reduced fare would have been a permanent factor. Sir, but the rates are only there till the Indian concerns do not go into bankruptcy. Immediately after that the rates are enhanced. In the circumstances, I hope it will be possible for the Government of Bengal to refer the matter to the Government of India.

The Hon'ble Mr. A. MARR: Sir, when I first saw this motion in print I thought the hon'ble member was going to tackle the question of the Coastal Trade Reservation. But he explained to me outside and he has explained more clearly in the House, that what he wishes to discuss is the rate war in the Gulf of Bengal. Sir, this matter is altogether outside the powers of the Local Government as the hon'ble member himself stated. We have no power whatsoever in the matter. It is entirely in the hands of the Government of India. Therefore, I submit, it would be rather hard to have a cut of Rs. 100 made in the budget while we have power to do nothing in the matter. What I would propose, however, is that if the hon'ble member withdraws his motion I shall be glad to submit the discussions in this Council to the Government of India for their consideration. Beyond that I cannot go.

Khan Bahadur Maulvi AZIZUL HAQUE: In view of the assurances given by the Hon'ble Member I beg to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

The motion that a sum of Rs. 4,63,000 be granted for expenditure under the head "27.—Ports and Pilotage" was then put and agreed to.

30.—Scientific Departments.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 31,000 be granted for expenditure under the head "30.—Scientific Departments."

Sir, the details of this demand have been given on page 62 of the Green Book and I do not think I need add anything more.

The motion was put and agreed to.

31.—Education (Reserved).

MEMBER in charge of EDUCATION DEPARTMENT (RESERVED) (the Hon'ble Mr. A. Marr): On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 12,79,000 be granted for expenditure under the head "31.—Education (Reserved)."

Sir, this has been dealt with on pages 63 and 64 of the Green Book.

The following motions were not moved:—

Maulvi HASSAN ALI: "That the demand of Rs. 12,79,000 under the head '31.—Education (Reserved)' be reduced by Rs. 1,00,000."

Mr. MUKUNDA BEHARI MULLICK: "That the demand of Rs. 12,79,000 under the head '31.—Education (Reserved)' be reduced by Re. 1 (general policy with reference to backward classes)."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 12,79,000 under the head '31.—Education (Reserved)' be reduced by Re. 1 (to call attention to the disproportionate expenditure on European and Anglo-Indian education and to repudiate the principle that Europeans and Anglo-Indians are as of right entitled to a more expensive, if not, a superior type of education at the cost of the tax-payers)."

Mr. SARAT CHANDRA BAL: Sir, I beg to move that the demand of Rs. 12,79,000 under the head "31.—Education (Reserved)," be reduced by Re. 1 (unfair distribution).

Sir, in Bengal the number of European and Anglo-Indians is approximately 44,757 and our benign Government has estimated Rs. 12,79,000 for their education, while no special substantial provision whatsoever has been made for 11½ millions of depressed class men. Is the financial condition of the Europeans and Anglo-Indians worse? Are they more backward in education than the depressed classes or is the Government partly giving effect to the famous declaration of 1922 made by His Majesty the King Emperor? The declaration was in this term: "It is my wish that there may be spread over the land a network of schools and colleges from which will go forth loyal, manly and useful citizens able to hold their own in industries and agriculture and all the vocations in life. And it is my wish too, that the homes of my Indian subjects may be brightened and their labour sweetened by the spread of knowledge, with all that follows in its train, a higher level of thought. It is through education that my wish will be fulfilled and the cause of education in India will ever be very close to my heart." To me it seems that the Government is giving effect to that famous declaration by taking the direct charge of the education of Europeans and Anglo-Indians. But, Sir, may I know what the Government is doing "to brighten the homes and to sweeten the labour" of His Majesty's most loyal subjects—the depressed classes of Bengal. The Government has not entrusted the Hon'ble Minister in charge of Education (transferred) with any fund for the education of the depressed classes. Sir, the Government always declare themselves to be the guardians and custodians of these uneducated millions and

they proclaim in Parliament and in other countries that leaving aside other considerations the solemn task of saving the depressed classes from the hands of the advanced orthodox Hindus the British Raj cannot give the Indians full responsible Government at present.

Sir, justice requires that the depressed classes who are reputed for their devoted loyalty and sincerity of heart should be protected and every facility be given to ameliorate their condition. Just as in the cases of the Europeans and Anglo-Indians so also equally in the case of the depressed classes the Government should make adequate provision for their education.

Mr. W. C. WORDSWORTH: Sir, the mover of this amendment has not given me very much substance to reply to and I have to devote my attention mainly to his use of the word "unfair." The complaint is that Government has given much more money to European education than to the education of the depressed classes. Situated as we are in Bengal there is inevitably competition between all communities for Government grants. All branches of education have to compete one against another, just as all departments of Government do, because our revenues are not sufficient for our needs. But when this is granted, what we have to remember is that Government in the Education Department has to follow the system very largely of making grants in proportion to what the communities are doing for themselves. We cannot compare the circumstances of the Indian community or the depressed class community or the European community. We have to see how far a community, as a community, is anxious to improve itself, makes sacrifices to improve itself, and is entitled to demand from Government a reasonable contribution to the funds that it is raising itself. European Education, we must all admit, is expensive in comparison with much of the education in this country. But I would ask the House to remember that the European community itself contributes very greatly to the cost of its own education and if Government does make a grant of what appears, at first sight, to be on a fairly generous computation that is because the community itself does so very much both in the way of raising money and also by the contribution it manages to secure for its work in the form of service from the teaching orders. Here I may say once again that were it not for the teaching orders there would not be much European education in Bengal because the country could not afford the cost. We have a system of European education, fairly well organised, taking on all the children of the community because the tradition of Europeans and Anglo-Indians is that every boy and every girl must be educated; and this is possible only because of the tradition of the teaching orders that to teach the young is service to God. This is also the spirit which lies behind Indian education and it is particularly seen in the case of village pundits who regard it as their duty to accept poverty and humility in the cause

of Sanskrit learning. I trust, therefore, that the hon'ble mover will not press this matter since there is no grievance as between community and community, even though in the figures one community looms larger than the other. We must consider as well as their needs the contribution that they themselves make towards the satisfaction of those needs.

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. A. J. Dash): Sir, the motion which has been moved, I take it, refers solely to the unfair distribution of money—the distribution of money is unfair in that the depressed classes do not get as much money as they should. But I should point out that no portion of this grant can possibly be diverted to the education of depressed classes. Perhaps that is fully understood by the mover and he has wished to raise a general discussion as to the inadequacy of funds which reach the depressed classes for their education. In that case I should like to express briefly the departmental view in this matter. We find that European and Anglo-Indian education has been separated and is a Reserved Department. The Education Department are not prepared to reduce the amount of money spent on any particular branch of education, as they are of opinion generally that money is not sufficient for the purpose of supplying education in almost all its branches, and they are fortified in this determination by the figures that are available about the proportion of contributions which is made by the European and Anglo Indian community for the purpose of educating their children. These figures are as follows: The proportion of donations and subscriptions and endowments to the total expenditure on education is in the case of European and Anglo-Indian schools as much as 31 per cent. and is much higher than the proportion in the Indian schools on the transferred side, the figure being 16 per cent. And as Mr. Wordsworth has mentioned in his speech there are very large contributions by services in regard to teaching which should be credited to the Anglo-Indian and European community. These are the reasons why I maintain that the department should not in any way make a reduction in the amount of money spent under this head.

5-45 p.m.

Dr. NARESH CHANDRA SEN GUPTA: It was not my purpose to speak on this motion because I thought it advisable in this Council to avoid as much as possible controversies between community and community, but at the same time I cannot allow the statement made by Mr. Wordsworth as to the principle on which Government funds ought to be distributed amongst the communities, to go unchallenged. Mr. Wordsworth's claim is that because the European community has done very much for the education of their boys, therefore, the European community should come in for a lion's share of Government revenues.

I submit that this is an altogether erroneous principle to proceed upon. Government revenues should be distributed with exclusive regard to the needs of each community and it is the poorest community, which cannot spend as much as they ought to for the education of their children, that ought to expect that the charity of Government should be concentrated on it.

This motion was moved on behalf of the depressed community consisting entirely of absolutely poor people, much poorer than a European or Anglo-Indian can ever be, and it is a grievance raised by representatives of that community that the Europeans are receiving much more for the education of their boys than the depressed community that is resisted by Mr. Wordsworth. I could have understood this plea if the European community came forward as a depressed and backward community entitled to the charity of Government. I venture to say that that is not the plea that the European community has put forward. Piles of fortune are made by Europeans in this country. Let them give a fair share of it for the education of their boys so that the Bengal exchequer will be relieved of the burden of educating the boys of Europeans and Anglo-Indians at an expense which works out at a great deal more per head than what is spent on any Indian boy.

Mr. W. C. WORDSWORTH: May I rise on a point of personal explanation I do not think I have said a word suggesting that the European community ought to receive the lion's share of the Government revenues nor did I suggest that the European community does receive the lion s share. I think the hon'ble member will do well to study the figures for Education, reserved and transferred, and realise that all the reserved budget is not for European and Anglo-Indian education. He will probably then change his opinion that European education is given a great advantage.

The Hon'ble Mr. A. MARR: Mr. Wordsworth has explained the point which was raised against him and I leave him to defend himself as he is quite able to do that.

Mr. Dash has answered the criticisms made by the mover of the motion and I need only emphasize to this House the fact that Government, in considering this division of funds for education, do consider very carefully the claims of all the different communities and in doing so they have to proceed according to the circumstances of each community. I have nothing further to say.

The motion of Mr. Sarat Chandra Bal was put and lost.

The motion that a sum of Rs. 12,79,000 be granted for expenditure under the head "31.—Education (Reserved)" was then put and agreed to.

31.—Education (Transferred).

MINISTER in charge of EDUCATION DEPARTMENT (TRANSFERRED) (the Hon'ble Mr. Khwaja Nazimuddin): On the recommendation of His Excellency the Governor, I move that a sum of Rs. 1,24,00,000 be granted for expenditure under the head "31.—Education (Transferred)."

The grant of Rs. 1,24,00,000 is from the point of view of the Department of Education inadequate for the expansion and development of education in Bengal. It will be interesting to quote certain figures which will show the difficulties of administration. The population of Bengal according to the census of 1921 is 46,695,000 and the income in 1927 was 10 crores and odd. The population in Madras is 42,319,000 and the income was Rs. 16,24,00,000. The population of Bombay is 19,358,000 and the income was 16 crores. The population of the United Provinces is 45,376,000 and the income was Rs. 12,58,00,000. The above will show that the population in Bengal is the largest and the income is the lowest. The Council is by now tired of being repeatedly reminded of the hopeless financial position and the injustice of the Meston Award but I regret that I cannot but inflict it once more on the Council because owing to financial stringency no development or expansion is possible and we are what may be called simply marking time.

I would like to explain the procedure under which budget estimates are prepared under the Devolution Rules. Ordinary charges are included in the budget estimates submitted by the departments through the Accountant-General, while proposals for new schemes and new expenditure have to be examined in detail for purposes of administrative approval first. Only those new schemes which have been administratively approved before the 15th of September can be considered for inclusion in the next year's budget. It will therefore appear that the main frame work of this budget was prepared so long ago as in September last year, and all that I could do on assuming office on the 18th of December last was to select, within the limit of funds available, those of the approved schemes, which appeared to me to be most important and urgent. It was not possible for me to initiate any new scheme for inclusion in this budget. I had to take the schemes as they stood, and the details of these schemes had been worked out long before I assumed office, but I claim that in the matter of selection, the greatest possible care has been exercised.

The Hon'ble Finance Member has, in his Budget speech, explained fully the reasons why very little money will be available next year for recurring expenditure, and I need not go into that matter again. For

the very small amount available for recurring expenditure, two schemes were selected not only because they were urgent, but also because they were among the cheapest of the approved schemes. The first of these is a scheme for the reorganisation of the Calcutta Sanskrit Association on the lines of the recommendations of the Sanskrit College Committee, and for the grant of travelling allowance to the members of the Central Organisation. The recurring expenditure involved is Rs 2,000 a year. The question of reorganising the Calcutta Sanskrit Association is pending from 1923, and the reform and progress of *tol* education depends on the reconstitution of the Association, which is the Adviser of Government in the matter, and the necessary reorganisation cannot be further delayed.

The second scheme is for the payment of a capitation grant of Rs. 840 a year to the Widows' Home, Dacca. This Home provides education to Hindu widows, and it is expected that these widows, who are likely to devote the whole of their life to the cause of education will be available, after training, to serve as teachers of girls' schools in rural areas. The progress of primary education among girls in rural areas is being hampered for want of suitable teachers who are willing at a small pay to live in villages and to work as teachers in girls' schools, and this small grant will, it is expected, go some way towards solving this problem.

Three other schemes have also been included in the list of recurring schemes in this budget. They are—

(1) the scheme for medical examination of students in Government high schools and senior madrasahs, and the levy of a fee of Re. 1-8 from each student for the purpose;

(2) affiliation of the Rajshahi College in Botany to the I.Sc. Standard and the raising of the fees of students of this College to bring it into line with other mufassal colleges; and

(3) the printing of question papers for examinations in the high English schools, and the payment of the necessary costs by the students.

These three schemes are more or less of a self-supporting nature, and therefore it was possible to include them in the budget.

Somewhat greater latitude has been possible as regards schemes involving non-recurring expenditure. Details of such schemes which have been included in this budget have been given in the Fianacial Statement. I now refer only to some of them.

Special attention has been given to the cause of education of girls, and the following new schemes have been included in the budget:—

(1) A building grant of Rs. 16,462 to the Jalpaiguri Girls' High School for the construction of a building and a hostel for the accommodation of the Muhammadan boarders of this school.

(2) A grant of Rs. 30,000 to the Victoria Institution for Girls, Calcutta.

(3) A grant of Rs. 16,990 to the Eden High School for Girls, Dacca, for the establishment of a motor bus service.

(4) Grants for the purchase of a bus to—

(a) the Gokhale Memorial Girls' School, Calcutta;

(b) the Boalia Mission Girls' School, Rajshahi;

(c) the Barisal Sadar Girls' High English School.

(5) A building grant of Rs. 13,212 to the Chetla Girls' School, Calcutta.

(6) A building grant of Rs. 15,500 to the Widows' Home, Dacca.

The cause of physical education among students has not been neglected and a grant of Rs. 44,000 has been provided in the budget for the introduction of compulsory physical culture for boys in schools. There can be no hope for the future of this province unless the younger generation can be made physically fit. For the same reason, an additional grant of Rs. 750 has been provided for 1930-31 for the encouragement of the Boy Scout movement. I regret that it has not been found possible to include this amount as a recurring charge in the budget.

It is also proposed to make a grant of Rs. 16,000 to the Bangiya Sahitya Parishat towards the expenses of constructing a museum. The very valuable work that this institution is doing is well-known to the members, and I need not dilate on this point. It is also proposed to make a grant of Rs. 13,476 to the City College, Calcutta. The circumstances that have necessitated this grant, and the difficulties that this College had to face in maintaining discipline must be fresh to the minds of the members. The Bander High English School, Dacca, had its buildings and appliances burnt down in 1927. The authorities of this school have already raised Rs. 11,430 for the construction of a pucca building, and it is proposed to give them a grant of an equivalent amount so that the proposed building may be constructed without further delay.

The cause of Moslem education has not been lost sight of, and under heads "41.—Civil Works" and "47.—Miscellaneous," I have provided

for several important schemes that are calculated to promote the welfare of the Muhammadans. Among these schemes, I may mention here—

(1) a building grant of Rs. 25,000 to the Calcutta Muhammadan Orphanage;

(2) a building grant of Rs. 9,837 to the Sir Salimulla Muhammadan Orphanage for the construction of an additional dormitory and the extension of the workshop;

(3) a latrine block for the Elliot Madrasah Hostel, Calcutta, at a cost of Rs. 18,216. This project is very important as the construction of the proposed Prayer Hall is being held up on this account.

(4) The construction of a building for the Rajshahi Madrasah, at a cost of Rs. 18,840, of which it is proposed to spend Rs. 15,000 only next year. This has become necessary as its status has been raised to that of a Senior Madrasah.

I have dealt with the main points of the demand that I have made to-day. I realise fully that more money is needed if education in this province is to make any real progress. But I claim that with the money available it is impossible to do more.

6 p.m.

Mr. PRESIDENT: Is there any objection if I have one discussion on motions Nos. 290 to 310? I do not know if the Hon'ble Minister would like to make one speech on all these motions after they have been moved and discussed.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It would be better if you took up to motion No. 309.

Mr. PRESIDENT: What about motion No. 310? That too relates to the head 31A.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have no objection to this course. But I should prefer that motions Nos. 290, 291, 296, and 297 were taken together.

Mr. PRESIDENT: Do you put forward that as an alternative proposal?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I accept your suggestion.

The following motion was called but not moved:—

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 4,43,734 under the head '31A.—Education (Transferred)—University—Grants to Calcutta University' be reduced by Rs. 100 (to raise a discussion on the question of University Administration)."

Mr. SYAMAPRASAD MOOKERJEE: May I have your permission, Sir, to move motion No. 291, which stands in the name of Dr. Sir Nilratan Sircar?

Mr. PRESIDENT: I quite remember the request that Sir Nilratan made to me in this connection. I have no objection to your moving it as your own motion. If you do this, I shall allow you to move it on short notice.

Mr. SYAMAPRASAD MOOKERJEE: Sir, I beg to move that the demand of Rs. 4,43,734 under the head "31A.—Education (Transferred)—University—Calcutta University" be reduced by Re. 1.

There are three important points to which I desire to draw the attention of the House in connection with the question of financial assistance to Calcutta University.

In the first place, I desire to touch briefly on the history of the recurring grant of a maximum of three lakhs of rupees made to the University now five years ago. The Calcutta University has passed through many periods of acute controversy arising particularly out of its claim for financial assistance from the public funds. I have no desire on this occasion to recall the struggles which the University had to face in convincing successive representatives of Government on the necessity of adopting a more friendly and sympathetic attitude towards the oldest University in India. The transformation of Calcutta University from a purely examining body to an active centre of advanced learning and research has now come to be regarded as one of its noteworthy features. The activities of its distinguished teachers in promoting research in various branches of human knowledge have challenged the admiration of unbaised scholars both in India and abroad. The greatest contribution of the University has been to prove beyond the shadow of doubt that Indians, given the opportunities, are fully capable of successfully carrying on original investigations and even extending the bounds of knowledge. But, Sir, the University cannot carry on its activities with efficiency unless it receives an adequate grant from Government. The situation was surveyed by a committee appointed by the University in 1924 which discussed in detail the needs of the Post-graduate department and made recommendations which

were duly considered by the Senate and ultimately forwarded to Government. In 1925 Government was persuaded to make a recurring grant of a maximum of three lakhs for a period of five years. In the letter which Government wrote to the University conveying sanction of this grant, it was definitely pointed out that at the end of the period of five years, the matter would come under revision and with the experience of five years, it should be possible to arrive at a more accurate and definite figure of the recurring grant which the University should receive from Government. Further, Sir, Government emphatically stated that during this period no demands would be entertained for additional grants for the ordinary administration of the University.

The period of five years for which the grant was made is going to expire at the end of the present financial year. And it is a matter of satisfaction that the University, whether by means of raising additional revenue or curtailing expenditure wherever possible even at the cost of efficiency, has not closed the fifth year with any deficit.

Now, Sir, I come to the second point. The University appointed more than a year ago a large representative committee to make a comprehensive survey of the various activities of the University and recommended measures which would place the Teaching Department on a permanent and satisfactory basis. The committee held 80 sittings and its recommendations are just now being scrutinised by the Senate. The report will be forwarded to Government in the near future and will form the basis for discussion between Government and the University in determining the amount of its future grant.

In this connection, Sir, may I make a suggestion to Government? Without entering into a discussion of the general value of conferences—round-table, square-table or otherwise—I may state from our past experience in the University that conference is often more helpful than lengthy and irritating correspondence in settling questions of acute controversy. That was the procedure adopted during the last settlement and the conference which was presided over by Lord Lytton was of considerable assistance in clearing up doubtful points and removing mutual distrust and suspicion. I hope, Sir, it will be possible for Government to adopt the same procedure this time also.

I also want Government to recognise the absolute necessity of placing sufficient funds at the disposal of the University to enable it to carry on its activities and meeting its liabilities during the coming financial year. This, I recognise, must obviously be without prejudice to whatever permanent grant may be determined upon in pursuance of the report of the Organisation Committee which is now being discussed by the Senate. As I said just now, our settlement with Government expires at the end of the financial year of 1930. All our appointments however have been sanctioned by Government till 31st

December, 1930. It is not the intention, I hope, of any responsible officer of Government that the University should close its doors on 1st January, 1931. The appointments must be extended till the end of the session. I want an assurance from Government that necessary funds will be provided for in the Supplementary Budget in July next, thus enabling the University to carry on its existence till the end of the financial year.

I come now, Sir, to the third point. And that is about a statutory grant to Calcutta University. Here, Sir, all that I am asking Government is to treat Dacca and Calcutta alike in this respect. In 1925 the Dacca University Act was amended by this Council and a permanent statutory grant of Rs. 5 lakhs and a half was made to Dacca University. I am in full agreement with the principles that promoted the framing of such a measure. On that occasion Sir Abd-ur-Rahim, speaking not in his personal capacity but as Member in charge of Education, made the definite announcement that not only would Government make the necessary grant to Calcutta University, but would also make a statutory provision as in the case of Dacca. He referred to this question several times and once he observed thus:—

"We do not want either of the Universities to suffer. This is one of the reasons why I have introduced the Bill. I have informed the House in answer to a question asked this very day that we shall be prepared to introduce a similar Bill for Calcutta University and I submit that after this assurance it is not open to any member to have any misgiving on this point."

That was the declaration of 14th August, 1925. No step has been taken during the last five years to give effect to this pronouncement. Sir Abd-ur-Rahim is gone, but, Sir, the Government of Bengal, I presume, has not disappeared yet, or, perhaps it is going to be classed along with many other broken pledges and forgotten promises of the Government.

I still hope, Sir, the Minister will assure the House that this question is going to be seriously faced and definitely settled when the next financial arrangement with the University will be completed. That is a step which is long overdue, a step which fairness and justice demand should be taken without any further delay.

The following motions were called but not moved:—

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 3,50,000 under the head '31A.—Education (Transferred)—University—Construction of Moslem Hall at Dacca' be refused."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 40,000 under the head '31A.—Education (Transferred)—University furniture for the Moslem Hall at Dacca' be reduced by Rs. 35,000."

Babu JITENDRALAL BANNERJEE: Sir, I beg to move the motion that stands in my name, viz., that the demand of Rs. 4,30,000 under the head "31A.—Education (Transferred)—University—Grants to Universities—Dacca University" be reduced by Rs. 3,90,000.

Sir, my motion of cut has reference to the provision of Rs. 3,50,000 for the Moslem Hall at Dacca and of Rs. 40,000 for furniture for that Hall. I shall say very little in support of my motion. I refer only with regret to the attitude which my Muhammadan friends generally take up on questions of this character. They always make it a matter of confidence so to say. They seem to think whenever funds are asked for in the name of anything Moslem, that there must be something sacrosanct about the demand. I do not in any way wish to go against the interests of Moslem education or to go against the interests of the Dacca University, but what I want is that good money should not be wasted simply on brick and mortar. Spend the money upon the actual needs of education, upon providing an efficient staff, upon providing excellent professors, upon providing for the needs of laboratories, and certainly we shall be always willing to vote the money. But Rs. 3,50,000 all for social entertainment and Rs. 40,000 for furniture seem to be too much. Sir, these are all that I wish to say upon the question.

Khan Bahadur Maulvi AZIZUL HAQUE: May I know, Sir, whether and, if so, when any member other than those whose motions are now under consideration can speak on any of these motions?

Mr. PRESIDENT: Yes; any time he likes, preferably immediately after the motion on which he intends to speak is moved; of course, he must be able to catch my eyes. (Laughter.)

Khan Bahadur Maulvi AZIZUL HAQUE: May I speak a few words on the motion just moved?

Mr. PRESIDENT: Yes.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I am sorry that my friend Babu Jitendralal Bannerjee, in supporting his motion, has raised a note which affects a certain section of this House. If my friend had been to Dacca himself and seen the Moslem Hall building, I am sure he would have been satisfied that it was not merely for the purpose of getting a structure of brick and mortar that the idea of the Dacca Moslem Hall was first started. Sir, I do not wish to go into past history with a view to showing how Moslem education has fared in the past. I only want to draw attention to the fact—and I charge Government also as a party to it—that whenever the question of providing education

comes up, the needs of Muhammadans are not fully attended to. If my friend wants an example of it, I shall cite the instance of the Krishnagar College which is in my district.

Babu JITENDRALAL BANNERJEE: My motion is in connection with a specific demand: It has nothing to do with the Krishnagar College.

Khan Bahadur Maulvi AZIZUL HAQUE: I am showing that when a Hindu hostel was built at a cost of Rs. 90,000, no provision was made for a Moslem hostel there. I have been crying in this House for the last five years.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. We are dealing with a specific question, viz., the Dacca Moslem Hall: We have nothing to do with the construction of a Moslem hostel at Krishnagar.

Mr. PRESIDENT: I think Mr. Bannerjee is right.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, am I not entitled to develop my argument in my own way?

Mr. PRESIDENT: If a member wants to speak on a particular motion, as you did, then he has got to confine his remarks to that motion alone.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I humbly accept your ruling. I submit that it is open for me to show that in view of the past negligence of Government this Moslem Hall is necessary.

Mr. PRESIDENT: Well, you can incidentally refer to a Moslem Hall at Krishnagar while speaking about a Moslem Hall in the town of Dacca.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I do not know whether my friend requires training as a lawyer for discriminating between what is relevant and what is not.

Babu JITENDRALAL BANNERJEE: I have the training of a lawyer but not of a Public Prosecutor.

6-15 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I am showing by an example how Moslem interests are neglected. Gentlemen who are aware

of the history of the Dacca University from its very inception know full well how the original purposes, at least one of the original purposes of the Dacca University were lost sight of, and to-day if you go to Dacca you will find that the accommodation of the Moslem students is far from satisfactory. They are put together in a building which was not constructed for residential purposes, but for the purposes of office and other accommodation. Considerable difficulties are being felt by the students about their fooding and bathing arrangements and other ordinary necessaries of life. There is also another idea as to why the Moslem Hall should accommodate the Moslem students in one particular place. The idea is not to separate the students from the current of Indian thought, but that this Moslem Hall will occupy a place wherein Moslem students will be able to develop their culture in their own way. It is unfortunate that it is forgotten in many places that the students, specially the Moslem students, have also to learn Islamic history, culture and philosophy. I do not say that it is not done, but it is not fully done, in a manner that the Moslem students can develop their own line of culture and thought. The Hall is simply an absolute necessity, otherwise the spirit of disintegration which is already in the air will grow more so far as the Moslem students are concerned. We are Indians but we cannot forget that we are Moslems. We have always taken our part in the recent political history of this country that we may be equal partners in the future development of this country. Somebody questioned me as to why Hindu and Moslem students should not live together. I would welcome that suggestion, but so long as the circumstances remain what they are, they require separate accommodation. With these words, I oppose the motion.

[At 6-30 p.m. the Council was adjourned for prayer and it reassembled at 6-40 p.m.]

Rai SHASHANKA KUMAR GHOSH Bahadur: Sir, I rise to oppose this motion. It seems to me that if all the facts are placed before this House it would be impossible for the members of this House to support this motion. It may be within the recollection of this House that while discussing the budget for the year 1928-29 this House sanctioned a sum of Rs. 9 lakhs for the construction of the Moslem Hall. This House not only sanctioned the scheme at a cost of Rs. 9 lakhs, but actually voted Rs. 2 lakhs towards meeting the cost of this building in 1928-29. In the following year this House voted a sum of Rs. 3½ lakhs towards the construction of this building, so that a sum of Rs. 5½ lakhs has already been sanctioned by this House, and the remaining Rs. 3½ lakhs is the demand made in the next year's budget. This grant of Rs. 9 lakhs which was sanctioned in 1928-29 enabled the work to be undertaken about two years ago. The work was placed in the hands of the contractors Messrs. Martin and Co. and the University has

received payment of Rs. 5½ lakhs and the entire amount already paid to the contractor. The remaining sum will have to be paid in the course of the next year. The University, through His Excellency the Chancellor, has already approached His Excellency the Viceroy to open the Hall for the use of the Moslem students early in January next. This is how the situation stands. You have sanctioned the scheme at a cost of Rs. 9 lakhs, you have already paid Rs. 5½ lakhs and Rs. 3½ lakhs will have to be paid to the contractor before the end of the year. If you refuse the grant now, the responsibility and liability will not be lessened. So far as this grant is concerned I may say that there are two other items, one is for the sewerage scheme and the other is the cost of furniture. I do not think the mover of the motion has anything to say about the sewerage scheme, because his motion is that the demand be reduced by Rs. 3,90,000. I presume the mover wants to refuse also the entire grant for the Moslem Hall furniture. I do not think it is the idea of the mover that we should build the house without making any provision for furniture. It will be remembered that we have got to furnish the Moslem Hall to accommodate about three hundred students and the mere cost of accommodating 300 students in the building with a dining hall, a common room, a library, the provost's room, and any number of other rooms already provided for in the estimate and already sanctioned cannot be expected to be small. Take for instance the cost of fitting up the residential rooms. You have got at the lowest estimate to provide for each student a chair, a table, a book rack, a bracket for clothes, and a bedstead; estimates for these have been prepared by the University and accepted by Government. The cost of providing furniture for each student amounts to Rs. 62 and for 300 students, that alone will cost more than Rs. 18,000. Then there are the prayer hall, the dining hall, the assembly hall and other halls to furnish. I therefore think that this House cannot support this motion for reduction. If you reduce this grant, the result will be that this hall will remain unfurnished. If you complete the hall, you shall have to furnish it. With these words, I oppose this motion.

Mr. A. F. RAHMAN: I am sorry Mr. Bannerjee has moved this motion. I think he was so brief because he did not find much material in support of his motion. The practical side of the question has been very ably represented before this House by the Treasurer of the University. All that I wish to put forward is this that the Dacca University is the fulfilment of an idea. The Halls are the units round which the intellectual and moral life of the University develops, and they are necessary for the development of a healthy and corporate life amongst the students. The spiritual side of the question has been placed before the House by Khan Bahadur Maulvi Azisul Haque. I may mention here that when the Dacca University was inaugurated, the

Mussalman students were housed in the upper storey of the Eastern Bengal and Assam Secretariat buliding, and for sometime they lived in great discomfort. It was to remove these inconveniences and to redeem the pledge given to the Moslems that ultimately the construction of the Moslem Hall was taken in hand. The building has proceeded a great deal and the roof only is wanted. If this money be not voted by the Council, the amount that has already been spent would be wasted in brick and mortar.

Maulvi SHAMSUDDIN AHMED: On a point of information, Sir. Will the Hon'ble Minister be pleased to inform us as to whether the building is required as students' residence or for the purpose of teaching?

Mr. A. K. FAZL-UL HUQ: Sir, before you call upon the Hon'ble Minister to speak, I hope, Sir, you will permit me to say a few words on this motion regarding the Moslem Hall at Dacca. I find my friend Mr. Shamsuddin Ahmed has been deluded by the remarks made by Mr. J. L. Bannerjee, when he in his own way and in artistic words called the Moslem Hall a Hall of amusement. It is nothing of the kind. It is a hostel for Muhammadan students for which a modest demand has been made. This is in accordance with the recommendations of the Dacca University Commission, and to which Government is pledged by a statement made by no less a person than His Excellency the Viceroy, Lord Hardinge, in the course of his visit to Dacca. This is a matter, so far as I can see, which should not have been mixed up with the debate on the grant to the University. Both my friends, Mr. J. L. Bannerjee and Khan Bahadur Maulvi Azizul Haque, both acute lawyers, one a public prosecutor, and the other the victim of a public prosecutor, have strayed very much from the path of relevancy. I can see no point in the attacks made on the Government for having made this provision, and on the authorities of the Dacca University, for asking Government to make this provision for the Moslem students. It is a proposal from which there can be no going back and to which Government is already committed. Not only should the motion be opposed, but I think the grant is inadequate for the needs of the Moslem students. I hope, Sir, after this there would be an end of this discussion.

6-45 p.m.

Mr. H. S. SUHRAWARDY: While I oppose the motion, and welcome the provision for a Muslim Hall at Dacca, I should like to point out to Government not to forget the claims of the Muslims who come to Calcutta from the furthermost limits of Eastern Bengal for purposes of study. With considerable foresight I confine myself to appealing

in the name of East Bengal students for an appeal to Government in the name of West Bengal students would neither be successful nor politic. I regret very much that Babu Jitendralal Bannerjee should have sounded an adverse note. He can get away with it and still be considered the champion of joint interests. If he speaks against the Muslim Hall he can still speak in terms of wasteful expenditure. If we defend the Muslim Hall we run the risk of being considered communalists. I can assure you, Sir, that it is this fear that haunts us always when pressing the legitimate claims of Muhammadans—a fear that while pleading for bare justice for the Muhammadans we are liable to be labelled anti-nationalists. But let that pass. We are now no more afraid of being taunted, insulted and maligned and are prepared to take our courage in both hands. The only point that one may stress when discussing the provision of a Muslim Hall at Dacca is that we are in very great need of one in Calcutta. The Muhammadan students in Calcutta live mostly in hovels, in miserable dens or tenement houses and look with envious eyes at the Hardinge Hostel and other palatial houses in which Hindu students find leisure to study under electric lights and fans. Really suitable accommodation for Muhammadan students is very limited. I will call the attention of Government to this great need and I hope that Government will attempt to do its level best to rectify this as early as possible.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry that this discussion that has been raised under a misapprehension should have been raised at all having regards to all the facts. Under the Dacca University scheme the students have to reside in Halls. These Halls are not amusement halls but residential houses with tutorial classes attached as well as accommodation for social functions of the Hall. That is an essential part of the scheme of the Dacca University, and the Dacca University Act provides that there shall be three Halls—the Dacca Hall, the Jagannath Hall and the Muslim Hall. From the start the Dacca Hall was provided for by utilising the old Dacca College hostel. A new hall was built, which was called the Jagannath Hall. For the Muslim Hall no building was provided but what was understood to be a temporary accommodation for Muhammadan students was provided on the first floor of the Secretariat. At that time the number of Muslim students in the Dacca University was small and the accommodation provided, although not of the best, was at any rate adequate. And it was in that building that my friend Mr. Fazlur Rahman, who happened to be the Provost of the Hall, built up the social life of the Hall on lines which must be appreciated by every well-wisher of education in Bengal. Now, Sir, in course of time a large number of Muhammadan students flocked to the Dacca University, and the accommodation which could be provided on the top floor of the Secretariat building was found

to be inadequate and they had to be accommodated in the class rooms which had been provided in the top floor of the Secretariat for the University. The ground floor of that building accommodated the office and lecture rooms of the University. One of two things had to be done —the University had to be provided with new lecture rooms and class rooms or the Muslim Hall had to be provided with new rooms. The Secretariat building was found to be inadequate for the purpose and for a large number of Muhammadan students accommodation had to be provided in small houses where they were cut off from the social life of the Hall to a large extent. However, that was understood to be a temporary arrangement. The Dacca University decided, a few years ago, to build a separate Muslim Hall for the accommodation of the students and for the performance of social functions. It is an integral part of the scheme of the University. So long as the Dacca University Act has got the provision for a Muslim Hall you cannot possibly do anything but provide an adequate Hall on the same lines as the Dacca Hall and the Jagannath Hall.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 4,30,000 under the head "31A.—Education (Transferred)—University (non-recurring grants to the Dacca University)" be reduced by Rs. 100 (to ask whether the Government proposes to hand over the balance of the money received from the Imperial Government to the authorities of the Dacca University to constitute a fund for its future development).

Sir, the purpose for which I move this motion is to ascertain exactly the position in which the Dacca University stands at present with respect to certain grants made by the Imperial Government. When the Dacca University was started the Imperial Government proposed to give the University a start by a grant of some Rs. 60 or 65 lakhs which sum was handed over to the Government of Bengal. That sum was put in the general balance and we do not exactly know whether the Dacca University has yet received the grant by this time. I think it is the duty of the Government of Bengal to compensate the Dacca University for the loss which it has sustained by that grant not being invested in securities which would have annually brought some Rs. 4 lakhs to-day. With a view to get at the exact position in this matter, I have moved this motion of mine.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 9,06,000 under the head '31A.—Education (Transferred)—Grants to Universities' be reduced by Rs. 100 (to discuss the question of the financial position of the University and the extent of grant to it)."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 11,11,200 under the head "31A.—Education (Transferred)—University—Government Arts Colleges—Teaching Staff" be reduced by Rs. 200 (for the failure to reorganise the Superior Educational Services).

Sir, for the last three years I have been speaking on this matter in this House and I have not yet been able to know what really is the position so far as the reorganisation of the Superior Educational Services is concerned. I am not sure whether it is known in the Secretariat that a considerable amount of discontent prevails among all the members of the Provincial and other educational services to-day owing to the fact that Government has not yet reorganised the Superior Educational Service. As a result of the recommendations of the Lee Commission almost every service has been reorganised except the Educational Service which has been treated in a manner which, had it happened in any other country, would have scandalised any administration. I have been reminding this House about this for the last few years. If you look at the Civil List you will find vacancies in the Superior services which have not been filled up. An officiating arrangement is made and thereafter a further officiating arrangement is made and nobody knows what the position of an officer is going to be as regards leave, pension and other matters. Sir, one of the reasons for discontent in this country will be found in the service conditions. It has created a great discontent amongst Government officers and it is really desirable that Government should take every step to remove the cause of discontent as soon as possible. Am I to understand that the Government of Bengal is not able to reorganise the Educational Services within the last seven or eight years? Am I to understand that the machinery at its disposal is such that it cannot take any steps in the matter? The House has not yet been given any opportunity to know as to why the Government has not been able to take any steps. When the subject was discussed here last time we were told by Mr. Stapleton or Mr. Dash—I forget who—that the matter was receiving consideration—the usual Government reply which means that the matter is rotting in the shelves of the Secretariat. I know, Sir, that this matter, of course, requires a reference to the Government of India and the Secretary of State. But if the administration has got into such a pass that you cannot get the required sanction from them within seven or eight years, surely the administration requires a drastic and heroic overhauling.

With these words I commend my motion No. 297 to the House.

Now I come to my second motion No. 298 which runs thus: "That the demand of Rs. 10,000 under the head '31A.—Education (Transferred)—University—Government Arts Colleges—Boarding Charges' be reduced by Rs. 100 (for failure of Government to provide Hostel accommodation for Mussalman students in all Government Arts Colleges)."

Mr. A. K. FAZL-UL HUQ: May I rise to a point of order, Sir? As regards No. 298 it raises quite a distinct point which is not quite the same as motion No. 296 or 297.

Mr. PRESIDENT: Mr. Fazl-ul Huq, either you were sleeping within the Chamber or you were busy in the lobby (laughter) when I decided to have one discussion on several motions relating to a particular head of the budget.

Mr. A. K. FAZL-UL HUQ: You will of course put them separately.

Mr. PRESIDENT: Yes, I had already said so.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I was referring a little before to the fact that in providing hostel accommodation in any particular college Government seems to disregard the needs of the Muhammadan students if that could be done at the first instance. It is only when the pressure becomes too much that they yield and afford some sort of accommodation to the Muhammadan students. In this matter, however, East Bengal and West Bengal are treated quite differently. As I was saying the other day, West Bengal does not count anywhere in politics to-day. It is so in educational matters also. I do not know why when a grant is allotted by the Department it should not consider the claims of the West Bengal districts. Sir, the Presidency Division in West Bengal contains a majority of Muhammadan population and education there is very backward. Government knows it perfectly well but it will do nothing to help them and invariably allot all their grants to Mymensingh, Chittagong and Dacca where the pressure of public opinion is great. I will cite an instance. Government have provided a hostel for Hindu students at Krishnagar College. It was of course a necessity. But may I ask while Rs. 90,000 could be found for a Hindu hostel, not even Rs. 10,000 could be allotted for hostel accommodation to the Muhammadan students there? At that time the number of Muhammadan students was about 15 or 16 and we approached His Excellency Lord Ronaldshay who went to Krishnagar and assured us that the scheme would be taken into consideration. But you can find money for widows' homes, for high schools and for a hundred other purposes and yet when the claims of West Bengal Muhammadans come up you cannot provide any money. I make a grievance of this. We are not fairly treated in the matter of allotment of grants.

I will mention one other matter. It may be said that the number of students is very small. I think the number of Muhammadan students in the Krishnagar College was sometime before 15 or 16. It has come down to 10 now and if you proceed with your policy, this number will

also vanish in a year or two. There is of course a mess for the Muhammadan students but it is situated in the most malarious part of the town and many of the students suffer from malaria. In spite of the fact that we have been trying our level best and promised that we will make our contributions in the matter, nothing has been done yet. It is not of course the fault of the Director of Public Instruction as I know. But I do not know what transpires in the higher sphere wherein all schemes are shelved. There are also other colleges where accommodation for Muhammadan students have not been made. With these words I move my motion.

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 26th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 26th March, 1930, at 3 p.m.

Present.

Mr. President (the Hon'ble Raja MANMNTHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 107 nominated and elected members.

Election of members to the Committee on Public Accounts.

Mr. PRESIDENT: Hon'ble Members are aware that a ballot took place yesterday for election of members to the vacancies on the Public Accounts Committee. The House will be interested to know the names of the members returned. They are as follows:—

(1) Rai Bahadur Dr. Haridhan Dutt;

(2) Maulvi Syed Majid Baksh;

(3) Babu Kishori Mohan Chaudhuri; and

(4) Babu Mukunda Behari Mullick.

Starred questions
(to which oral answers were given).

Appointment of Press compositors by the Settlement Officer, Burdwan, at Berhampore.

***101. Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that out of thirty-six Press compositors appointed by the Settlement Officer, Burdwan, at Berhampore in December last only one is a Muhammadan?

(*b*) Is it a fact that the Secretary, Muhammadan Association, Murshidabad, sent wires to the Government, the Director of Land Records, Bengal, and the Settlement Officer, Burdwan, intimating the grievance of the Muhammadan community in the matter?

(*c*) Is it a fact that the Director of Land Records in reply wrote to the Muhammadan Association in January last that steps would be taken to maintain Muhammadan percentage as fixed by Government?

(*d*) Is it a fact that the Secretary, Muhammadan Association, Murshidabad, thereafter sent a list of discharged Muhammadan compositors to the Director of Land Records and the Settlement Officer, Burdwan?

(*e*) Is it a fact that the Settlement Officer, Burdwan, has recently appointed eighteen more Press compositors and of them only nine are Muhammadans?

(*f*) What are the reasons for making the recent appointments against the Government orders and specially the order of the Director of Land Records, Bengal, as conveyed in his letter to the Secretary, Muhammadan Association, in January last?

(*g*) Has the action of the Settlement Officer, Burdwan, the approval of Government?

(*h*) If the answer be in the negative, what steps does Government propose to take in future?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) The recent appointments do not appear to have been made in contravention of any Government orders or against the orders of the Director of Land Records. It is understood that when the appointments referred to in question (*e*) were made, every available Muhammadan candidate, who fulfilled the required standard of efficiency, was appointed.

It may be added that out of a total of 1,078 job workers in Burdwan Settlement 412 are Muhammadans.

(*g*) and (*h*) Do not arise.

Assistant surgeons in the Bengal Medical Service (Upper).

***102. Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that in the Bengal Medical Service (Upper) out of a total number of 161 assistant surgeons only 12 are Mussalmans?

(*b*) Is it a fact that qualified Mussalman candi..... ... ... post of assistant surgeon are available now-a-days?

(*c*) Are the Government considering the desirability of appointing in future such a number of Mussalman assistant surgeons as will bring up before long their proportion in the service to the proportion fixed for the community in the services?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) The number of assistant surgeons in the Provincial Medical Service as appearing in the last issue of the Civil List is 159—Hindus 147; Muhammadans 12.

(*b*) Yes.

(*c*) The policy of the Government with reference to the recruitment of Muhammadans in the Bengal Medical Service (Upper) was revised only in 1926 and the Government at present propose to watch carefully its effect on adjusting the ratio of communities in this service.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state what the policy of Government is in regard to the recruitment of Muhammadans to the Bengal Medical Service?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Thirty-three and one-third per cent. of the appointments should go to Muhammadans.

Civil Surgeons in Bengal.

***103. Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that out of 16 Civil Surgeons in Bengal there is only one Mussalman and even he is due to retire shortly?

(*b*) Is it a fact that two assistant surgeons have lately been recommended for appointment as Civil Surgeons and neither of them is a Mussalman?

(*c*) Is it a fact that there are at least two Mussalman assistant surgeons qualified to hold the post of Civil Surgeon, one with creditable record of military service and the other with high post-graduate professional and academical qualifications?

(*d*) Are the Government considering the desirability of considering their claims for promotion at an early opportunity?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Yes.

(*b*) Government are not prepared to discuss recommendations made within the department.

(*c*) Government are not prepared to make any statement about the qualifications of individual members of the service which might be open to misinterpretation, but would remind the member that promotion is based on seniority and merit rather than on communal claims.

(*d*) The answer is in the negative, but the claims of Muhammadan members of the service are always considered when promotions are made.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether it is not a fact that promotion is based not on seniority but on merit?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: No, in the Medical Department promotion is based on seniority as well as merit.

Khan Bahadur Maulvi AZIZUL HAQUE: Am I to understand that in the Medical Department the rule is different from other departments?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I am afraid I have no information regarding other departments.

Railway overbridge at the Burdwan station.

***104. Mr. SAILESWAR SINGH ROY:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the railway overbridge at the Burdwan station has been partially closed to the public for a long time to their great inconvenience?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of requesting the railway authorities to take immediate steps for an early completion of the repair work with a view to open the bridge to traffic in the near future?

MEMBER in charge of PUBLIC WORKS (RAILWAY) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) The East Indian Railway authorities expect to complete the overbridge early in May, 1930.

Establishment of a hostel for the Hindu and Muhammadan male students of the Calcutta Medical College.

***105. Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether there is a proposal for the establishment of a hostel for the Hindu and Muhammadan male students of the Calcutta Medical College?

(*b*) Has any scheme been prepared for the same?

(*c*) If no scheme has been prepared, will the Hon'ble Minister be pleased to state when it is intended that such a scheme should be prepared?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Yes.

(*b*) A scheme for hostel buildings is being prepared.

(*c*) Does not arise.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware of the fact that last year about 70 Muhammadan students were suddenly thrown out at dead of night into the streets of Calcutta?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I am afraid I have no information on the subject. I am a new man in the Ministry.

Works done in 18-em measurement in the Bengal Government Press.

***106. Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that the Gazette, table and current record works done in the Bengal Government Press which are done in 34-em, 40-em and 44-em measurement fetch more income than the work done in 18-em measurement?

(*b*) Is it a fact that the earnings of the compositors and lino-operators are decreasing since the introduction of the 18-em measurement?

(*c*) Is it a fact that at present the works are done in the 18-em measurement?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The higher measures are paid at higher rates but steps are taken so to allot the work as to give an equitable distribution of earnings.

(*b*) Earnings fluctuate from month to month according to work done. The average earnings do not appear to have decreased.

(*c*) All work above octavo size is done in 18-em measure.

(*d*) Because the printed matter is more easily read and less paper is required.

Piece-workers in the Bengal Press.

*107. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that the lino-operators, compositors, distributors, pressmen, machinemen and mono-casters and mono-operators in the Bengal Press are piece-workers?

(*b*) Is it a fact that the mono-casters are not paid at the same class rate at which the compositors, lino-operators, distributors, pressmen and machinemen are paid?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state the reason therefor?

(*d*) Is it a fact that the earnings of the hand compositors, binders, lino-operators and distributors are decreasing daily while those of the clerks, computors, section-holders, etc., are increasing?

(*e*) If so, will the Hon'ble Member be pleased to state the reason therefor?

(*f*) Will the Hon'ble Member be pleased to lay on the table a statement showing the income with the names of—

(*i*) any three compositors, section II;
(*ii*) any three compositors, section III;
(*iii*) any three binders;
(*iv*) any three section-holders;
(*v*) any three computors; and
(*vi*) any three clerks,

for the month of June, July and August for the years of 1921 and 1929?

(*g*) Has the attention of the Hon'ble Member been drawn to the fact that the Hon'ble Mr. McAlpin, then Finance Member, informed this House in August, 1929, that the income of the compositors of section II and section III is Rs. 55 and Rs. 54?

(*h*) Is it a fact that the actual pay drawn by the compositors is between Rs. 35 to Rs. 38?

(*i*) Will the Hon'ble Member be pleased to lay on the table the signed pay sheets of the compositors for the months of October, November and December, 1929?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) The class rates are the same for all.

(*c*) Does not arise.

(*d*) No.

(*e*) Does not arise.

(*f*) A statement is laid on the table.

(*g*) Yes.

(*h*) No. The latest pay bill available, the pay bill for January-February, shows that 15 men drew pay of less than Rs. 40 whereas 154 men drew between Rs. 40 and Rs. 80 and 33 men more than Rs. 80.

(*i*) It is considered unnecessary to lay on the table the signed pay sheets. They can be seen by the member at the Press if he so desires. The monthly average figures for all the sections for 1929-30 are contained in a statement which is placed on the Library table.

Statement referred to in clause (f) of starred question No. 107.

Scale of pay.

	1921.	1930.
Section holders ..	Rs. 100—5—150 ..	Rs. 125—5—175.
Computors ..	Apprentices on Rs. 25 Rs. 30—2½—80. Rs. 44—3—110. ..	Rs. 40—40—45—3—111.
Clerks	Rs. 30—2½—80 Rs. 44—3—110. Rs. 100—10—200. ..	Rs. 40—40—45—3—102—10—202.

Average earnings.

	June-July.		July-August.		August-September.	
	Rs.	A.	Rs.	A.	Rs.	A.
Compositors, Section II—						
1919-20	29	10	34	5	35	5
1928-29	54	12	69	7	53	7
Compositors, section III—						
1919-20	42	9	38	0	39	5
1928-29	52	14	56	6	59	6
Binders—						
1919-20	25	10	23	12	24	7
1928-29	43	1	50	11	49	11

For purposes of comparison the average figures on record are given. The sections have been re-arranged since 1929-30 and figures for old

sections II and III are therefore not available for 1929-30 but the monthly figures for the re-arranged sections for 1929-30 are given in the statement laid on the Library table.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state whether the recommendations made by the Committee of Enquiry which sat some years ago in regard to the earnings of some press employees have been brought into effect?

The Hon'ble Mr. A. MARR: Yes, all the recommendations were brought into effect except one.

Special grants given to the Rajshahi district board for malaria and kala-azar.

*108. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that Rajshahi district has been returning the highest death rate from fevers in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what special anti-malarial measures have been taken or are proposed to be taken for its remedy?

(*c*) What special grants, if any, have been given to the Rajshahi district board for fighting against malaria and kala-azar?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The Rajshahi district holds second place in the death rate from fever in the quinquennial average, and third place in the statistics for the year 1928.

(*b*) and (*c*) Statements are laid on the table showing the grants paid to Rajshahi district board from the provision for works against kala-azar and malaria and the value of drugs distributed in kind to this district board in recent years.

Statement referred to in clauses (b) and (c) of starred question No. 108.

STATEMENT I.

Grants to Rajshahi district board for anti-malaria grant.

		Rs.
1929-30	...	1,000
1928-29	...	500
1927-28	...	400

STATEMENT II.

Kala-azar grant for the Rajshahi district.

		Rs.
1923-24	...	500
1924-25	...	900
1925-26	...	2,000
1926-27	...	13,000
1927-28	...	12,000
1928-29	...	10,000
1929-30	...	5,000

STATEMENT III.

Allotment made to the Rajshahi district on account of free supply of quinine and cinchona febrifuge.

		Rs.
1925-26	...	7,200
1926-27	...	8,500
1927-28	...	6,500
1928-29	...	9,500
1929-30	...	8,550

STATEMENT IV.

Allotment made to the Rajshahi district on account of free supply of urea-stibamine, amino-stiburea, and other kala-azar specifics.

		Rs.
1926-27	...	2,475
1927-28	...	3,150
1928-29	...	1,000
1929-30	...	2,625

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state the principle on which the Government grant is distributed to district boards?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Individual cases are considered on their merits.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state the principle on which out of the lump grant of Rs. 10,000 for the whole province the Rajshahi District Board alone got Rs. 10,000? -

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I want fresh notice.

DEMANDS FOR GRANTS.

The discussion on the head "31.—Education (Transferred)" was then resumed.

Babu KISHORI MOHAN CHAUDHURI: Sir, I rise not to oppose my friend but to ask for more satisfactory accommodation by making no separate arrangements for Muhammadans and Hindus in the hostels. I learn that in Krishnagar there are seats available in the Hindu hostel but they are not to be filled by Muhammadans. I wonder why this should be done and why Government should not arrange for allowing both the Hindu and Muhammadan boys to live in the same hostel with separate kitchens. Sir, this state of things is in vogue in Bhagalpur. When this kind of arrangement is possible in Bhagalpur, why should it not be in Bengal. I remember an occasion like this. Year before last there was a small-pox case at the Hindu hostel at Rampur Boalia where a Hindu boy was attacked with the disease. It was a serious case and segregation was absolutely necessary, but when we came to know that there was no proper arrangement for segregation we approached the Principal of the College and suggested that a small house, which was occupied by the Muhammadan students, might be arranged for the segregation camp. We also approached the Muhammadan students suggesting them to live in the Hindu hostel. They were all sympathetic and no objection was made by any of them to this arrangement being made and the boy was thus saved. Sir, I had a talk with my hon'ble friend, Khan Bahadur Asisul Haque, that when this was possible why, if seats are available in the Hindu hostel, Muhammadan students could not be accommodated there, of course with separate kitchens to be used by Hindus as well as by Muhammadans. Sir, I do not see any reason, when seats are available in the Hindu hostel, why an additional building should be constructed. If the above suggestion of mine be accepted by Government, I believe that difficulties about the misunderstanding between the Hindus and Muhammadans will be greatly minimised. With these words I support the motion.

Mr. BARAT KUMAR ROY: I beg to move that the demand of Rs. 9,128 under the head "31A.—Education (Transferred)—University—Government Arts Colleges—Provision for the affiliation of the Rajshahi College in Botany up to the I. Sc. standard" be reduced by Re. 1 (to raise a discussion on the Kumar Basanta Kumar Ray of Dighapatiya foundation for starting Agricultural Classes in connection with the Rajshahi College and on the policy of Government regarding the same College).

Sir, my brother late Kumar Basanta Kumar Ray of Dighapatiya, one of the most brilliant students of that batch of brilliant students of the Presidency College, Calcutta, who now adorn the various walks of life in this country, the batch to which belongs such illustrious sons of Bengal as Sir Provash Chunder Mitter, Sir Brojendralal Mitter, Sir Bhupendranath Mitter, Mr. Brojolal Sastri, Mr. A. K. Fazl-ul Huq and so forth, by a will, dated the 11th day of August, 1920, desired to place in the hands of the Government of Bengal, out of his assets, Rs. 2½ lakhs in Government Promissory Notes of 3½ per cent. for the creation of an endowment, the interest of which was to be utilised for the purposes mentioned below:—

(*a*) "For making arrangements for the advanced teaching of such sciences as Botany, Zoology, etc., in the Rajshahi College, with a view to the introduction therein, as soon as possible, of a higher agricultural course which, I hope, will include dairy farming and cattle breeding."

The executors of the will after taking probate approached the Government to utilise the endowment for the purpose named therein. After long negotiations a scheme for an "Agriculture Department of the Rajshahi College" was drawn up by Mr. S. N. Maitra, the then Principal of the Rajshahi College, in consultation with Professor N. Ganguli of the Calcutta University. When the scheme was submitted to the Government, they referred it for opinion to Mr. Finlow, the Director of Agriculture. Mr. Finlow wrote thus criticizing the scheme:—

"I am in agreement with Mr. Williams' view on the subject Mr. Williams does considerable service in pointing out that (1) a three years' course at College is not sufficient training for a previously uninitiated *bhadralok* youth who wishes to become a farmer. There has been much loose talk on this subject, and if all arises from the fact that there is a general impression amongst laymen, not only in India but elsewhere, that farming can be done by any one, however deficient in mentality and training. We commonly hear orators and others talking about the 'poor ignorant raiyat' and in a recent communication a correspondent expressed the opinion that if a *bhadralok* youth takes to manual labour, he would become a block-head like a raiyat. Such views show that these holders do not understand their own countrymen.

Twenty-five years' experience of the Indian cultivator has more than convinced me, not only of his efficiency, with his present facilities, but of his enterprise where improvements are concerned, if he can afford to adopt them. There is no royal way to such knowledge which can only be gained by bitter experience of the hard labour which is the lot of a successful farmer on a small scale."

Sir, I do not understand what Mr. Finlow means; *bhadraloks* are not the only inhabitants of North Bengal. More than eighty-five per cent. of the population of North Bengal, I believe, are cultivating classes, and the majority of which are Muhammadans. And then to quote Professor Ganguli: "The Rajshahi Division offers very special advantages for opening a centre for agricultural training. The soil is eminently suited for a variety of crops which comprise the staple food products of Bengal." And, Sir, I may add to them tea, tobacco, fruits and vegetables that are now being cultivated on a very large scale along the base and the foot-hills of the Himalayas.

Though Mr. Finlow rejected the scheme, he in the next paragraph of his note, however, commends the desire of the testator in the following words:—

"In former communications I have strongly advised that a biological side, comprising botany and zoology, should be established at Rajshahi. I can conceive of no better use to put the Dighapatiya bequest to. Instruction in biology is necessary for all college students of agriculture, and without a biological side, the Rajshahi College could never aspire to establish a school of agriculture. The introduction of biology into the Rajshahi College is therefore an essential preliminary to the establishment of a faculty of Agriculture at the College. * * * If the above suggestion be adopted I consider that the establishment of an agricultural side on a sound basis at Rajshahi will have been brought appreciably nearer."

But unfortunately Mr. Dash in his letter No. 2680Edn., dated the 7th September, 1928, to the Director of Public Instruction, Bengal, and again in his letter No. 2264Edn., of 18th July, 1929, to the Director of Public Instruction, Bengal, while agreeable to start botany and zoology classes to the B. Sc. standard, considered the remaining portion of clause (*a*) of the provisions of the will, i.e., "with a view to the introduction therein, as soon as possible, of a higher agricultural course, which I hope, will include dairy farming and cattle breeding" as irrelevant, in spite of Mr. Finlow's second paragraph of the note!

Now, Sir, as the Government is going to start botany classes up to I. Sc. standard in the Rajshahi College, may we not request them to reconsider their decision about the acceptance of the endowment of

Kumar Basanta Kumar Ray which has been since augmented by the executors and now amounts to the munificent sum of four lakhs of rupees, yielding an income of Rs. 17,000 a year, on the terms of the will? If still lack of funds stands in the way of the Government to start agricultural course forthwith, the executors will be satisfied if hope of starting such a course in the near future is held out to them.

There are agricultural colleges in Bihar, in the United Provinces, in the Punjab, in the Central Provinces, in the Bombay Presidency, etc.; should not Bengal, which was so long considered as the premier province, have a college of its own? Here a handsome endowment is offered to the Government; should not the Government seize this opportunity of starting such a college or even take steps to start one in the near future?

With these arguments, Sir, I support the first part of the motion which stands against my name.

Sir, I come now to the second part of the motion. Regarding the second part of my motion, I protest, Sir, against the policy of the Government of raising fee-rates in the science classes of the Rajshahi College, with a view to raise them to the level of fees in other Government colleges in mufassal (page 21 of the green budget book). The Rajshahi College obtained its present status of first grade in 1878 when it was endowed with a lakh and fifty thousand by the Rajshahi Association through the generosity of my father, Honourable the late Raja Pramatha Nath Ray Bahadur of Dighapatiya, for the benefit of the people of North Bengal, and the Government gave a distinct assurance that it would maintain this as a first grade college as long as there would be eight students only in each of the 3rd and 4th year classes. Before this, the college had another endowment of Rs. 5,000 annually, created by late Raja Haranath Ray Bahadur of Dubalhati.

Besides these, there are other big gifts and donations as the following extracts from the Inspection Report on the college for 1920-21 and 1921-22 by Mr. H. C. Mukharji and Professor C. V. Raman, F.R.S., of the Calcutta University, dated the 10th July, 1922, will show:—

"In 1908 a Common Room was erected, nearly half the cost of which was borne by Kumar Saradindu Ray of Balihar. A large area of land of considerable value was made over as a free gift by Raja Pramada Nath Ray of Dighapatiya for the extension of the college compound. The cost of erection of the old collegiate school building was borne almost entirely by Raja J. N. Ray of Puthia and Maharani Sarat Sundari Devi. Nearly half the cost of the present college building amounting to Rs. 30,000 was met out of private contributions. The Raja P. N. Ray Hostel was also built entirely from funds collected from private parties, the major portion being given by the Dighapatiya Estate."

Sir, I may add to this that the Sanskrit College and another big hostel attached to the college were built by the generosity of Maharani Hemanta Kumari Devi of Puthia, the Sanskrit College being also endowed by her.

Under these circumstances, I contend, Sir, that the Rajshahi College cannot be considered on a same level with other Government colleges in the mufassal.

I further beg to submit, how low are the Government expenses per student in this college as compared with other Government colleges. I shall give below a statement showing the number of students, Government expenditure and the cost per student in Government colleges as published in the report of the Public Instruction, Bengal:—

Name of College.	No. of student.	Total expenditure.	Amount met from Provincial revenue.	Total cost per student.	Amount paid from Provincial revenue.
1920-21.		Rs.	Rs.	Rs. A. P.	Rs. A. P.
Presidency	869	4,57,849	3,51,601	525 11 10	404 6 0
Dacca	729	2,67,523	2,07,015	341 10 7	283 14 0
Hooghly	247	86,714	67,014	348 3 11	277 9 0
Sanskrit	191	37,609	24,818	181 10 11	121 15 3
Krishnagar	227	91,429	68,013	365 11 5	299 2 6
Chittagong	321	67,616	45,242	238 10 0	140 15 0
Rajshahi	800	1,34,191	56,429	159 15 0	70 8 6
1923-24.					
Presidency	899	4,85,362	3,59,644	541 0 0	406 0 0
Dacca	318	1,23,668	95,214	358 7 3	245 15 8
Hooghly	273	1,25,824	1,04,202	460 15 0	400 12 5
Sanskrit	73	54,799	51,841	721 0 7	682 1 10
Krishnagar	222	1,15,506	95,059	555 5 0	457 0 3
Chittagong	546	1,09,431	66,878	219 4 9	134 4 0
Rajshahi	908	1,67,373	87,914	195 4 10	102 9 4
1927-28.					
Presidency	1,083	5,24,118	3,32,457	301 5 0	....
Dacca	329	1,41,682	1,12,637	343 4 0	....
Hooghly	376	1,44,872	1,20,044	427 2 0	....
Sanskrit	106	62,305	57,010	509 0 0	....
Krishnagar	211	1,23,129	1,00,185	435 6 0	....
Chittagong	537	1,22,982	70,983	120 3 0	....
Rajshahi	805	2,25,420	1,52,180	192 6 0	....
Islamia	292	60,900	42,092	149 2 0	....

Sir, the policy of the Government in regard to the Rajshahi College where there are so many endowments, donations and gifts and where the

cost of the Government per student is much lower than several other Government mufassal colleges, cannot therefore be supported and the fee-rates in the science classes of the college ought not to be raised.

With these words, Sir, I support the second part of my motion.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that the demand of Rs. 14,85,000 under the head "31A.—Education (Transferred)—University—Government Arts Colleges" be reduced by Rs. 8,000.

Sir, I raise my protest against the increase of fee-rates in the Rajshahi College in the Science Department. This college has got a large endowment fund and I believe in no other Government college there is so much endowment fund. Sir, this was done for the benefit of the poorer classes. My previous speaker, the Kumar Bahadur of Dighapatiya, has shewn that the Rajshahi College is the least expensive college to Government and it was endowed with the object of special benefit for the poor. Sir, the education of this place was so backward that when this college was started an agreement was made that with at least eight boys in each of the 3rd year and 4th year classes the College would be maintained by Government. So at that time there was an apprehension that it might not be very successful. Fortunately it has been successful and it is now the least expensive Government college. But, Sir, the Muhammadan education has not made that amount of progress which was expected. There are about 800 to 900 students in this college and I believe Muhammadan students will not be more than 150. In Rajshahi as well as in all the districts of the Division there are large numbers of Muhammadans, most of them are agriculturists and they are proverbially poor. It is not possible for them to incur much expense for education. Already the conversion of the Mohsin Fund and creation of scholarships have told upon the Muhammadan education to a great extent. Formerly on account of the Mohsin Fund the Muhammadans had to pay 1/3 fee for school or college. Now it has disappeared. Under the present arrangement some scholarships have been created but no benefit can be got from the Moshin Fund. Low fee rate arrangement was made in the Rajshahi College and it was done for the benefit of the boys of the poorer and backward classes, especially for Muhammadans. Now the original fee-rate has been doubled. There has been some protest to this proposal made by the Rajshahi Association which takes a good deal of interest in the welfare of the college.

3-30 p.m

The study of botany is being arranged for in the Rajshahi College for I. Sc. students. Whatever may be done should be done for conferring some benefit but, Sir, there is no reason why the 3rd and 4th year

students should be taxed in the shape of increased fee-rates for the sake of 1st and 2nd year I.Sc. students, while they do not derive any benefit at all thereby. Again, Sir, I understand that Rs. 4,000 or Rs. 5,000 will be necessary for the Botany Department, but why should Rs. 8,000 be collected for this purpose? The mover of the previous motion has shown that there is a heavy endowment by Kumar Basanta Kumar Roy of Dighapatiya which will now amount to Rs. 17,000 or Rs. 18,000 a year.

An attempt was made to start an agricultural institution in Rajshahi for the benefit of the agricultural population but why has it not been accomplished? We now hear that no recurring expenditure is possible in this respect. The income on account of fee will amount to at least Rs. 4,000 or Rs. 5,000 and a two years' course may not cost much to Government but even then there is no offer that anything should be done for an agricultural institution. Two schemes were prepared. I admit, Sir, that the first scheme was rather ambitious but the second scheme proposed by Professor Ganguli, who was deputed to Rajshahi for the purpose, shows that Rs. 36,000 only would be necessary for recurring expenditure. The fee income, as already stated, will yield about Rs. 4,000 or Rs. 5,000, and together with the income from the endowment as well as from another one lakh which the Executors of the Kumar Bahadur offered in Government securities of 3½ per cent. a sum of nearly Rs. 21,000 or Rs. 22,000 would be available. This is certainly a very large offer.

Mr. Ganguli prepared a scheme for a three years' course. In this connection we went on deputation to His Excellency the Governor at Darjeeling and we prayed that even if a three years' course was not possible at least a two years' course would be sanctioned, which would cost Government not more than Rs. 24,000 or Rs. 25,000. If Rs. 21,000 or Rs. 22,000 could be had from the fee rate and the endowment Government would have to pay only Rs. 3,000 or Rs. 4,000 as balance. His Excellency then assured us that the matter would receive his serious consideration and he was pleased to express the wish that it might be beneficial to the *bhadrolok* class. In Northern Bengal, Sir, there are many people who have got at least 50 to 60 bighas of land. If those gentlemen can get their sons properly trained in agriculture and necessary arrangements can be made for irrigation, for soil selection and manure and other improved methods of agriculture, it is not impossible for any *bhadrolok* to train his sons in agriculture so that they may go home to pursue agriculture with profit.

My opinion is that Rajshahi is not being treated fairly. An attempt was made by local munificence to do something for the poorer classes by offering big endowments but Government was slow and did not pay heed to these reasonable demands of the people. I therefore move this motion on account of Government's inaction in the matter

of creating facilities for agricultural study as well as for not increasing the fee rates in the science classes. I hope I shall be supported by the House in my demand that the fee rate should not be increased and that my request that some arrangement for imparting agricultural education be made as has also been urged by the previous speaker should be acceded to.

Mr. SHANTI SHEKHARESWAR RAY: I think the motion will have the unanimous support of the House.

Mr. PRESIDENT: Will you please come nearer? We cannot hear you.

Mr. SHANTI SHEKHARESWAR RAY: There is something uncanny about that seat; if I go there I feel very uneasy. (This was a front row seat usually occupied by Mr. Jitendralal Bannerjee.) (Laughter.) This subject has been receiving the attention of practically most of the provinces in India, particularly from the time when our present Viceroy has come to India. His Excellency has created much interest on the subject.

Mr. PRESIDENT: I am afraid you are going beyond the scope of the motion.

Mr. SHANTI SEKHARESWAR RAY: I want to impress upon the House the necessity of having an Agricultural College for Bengal.

Mr. PRESIDENT: That is not the object with which the motion was moved.

Mr. SHANTI SHEKHARESWAR RAY: Can I not speak on that subject?

Mr. PRESIDENT: No, you must confine yourself to the motion under discussion.

Mr. SHANTI SHEKHARESWAR RAY: I do not want to say anything more but any way I hope this motion will receive the support of the House.

Babu JITENDRALAL BANNERJEE: I beg to move that the demand of Rs. 14,85,000 under the head "31A.—Education (Transferred) (Government Arts Colleges)" be reduced by Rs. 100 (to raise a discussion on the necessity or otherwise of having Government Arts Colleges).

My object in short is the deprovincialisation of the Government colleges in Bengal and I am referring specially to the colleges under the

Calcutta University. I plead for the disestablishment of these colleges because their maintenance is now entirely unnecessary. It does not further the real cause of education and it involves a fearful waste of public money. The figures I shall produce will, I am sure, make out a convincing case for myself.

I do not plead, of course, that all Government colleges should be abolished; some of them are bound to remain, not because their retention is absolutely needful but because they appeal to certain sentiments which are so powerful that it will be useless arguing against them. At present there are 8 Government colleges—4 in Calcutta and 4 in the mufassal. The Calcutta colleges I am afraid must remain. First of all there is the Presidency College; it must remain on account of its splendid library and laboratory and also because it is intended to serve as a model for other colleges in Bengal. Whether it performs that part now or not, it is not for me to say. There are other people better acquainted with the internal economy of the Presidency College who will be able, if they choose, to bear testimony on that point. There are then the Sanskrit College and the Islamia College. Personally I do not think their existence is at all called for. But here I am up once more against the fearful bogey of communal fanaticism. The Islamia College, I shall be told, is upholding the banner of Islamic tradition and culture while the Sanskrit College is supposed to uphold the banner of Hindu tradition and culture. Sir, it is a curious commentary upon these pretensions that the Principal of the Islamia College is a European gentleman and the Sanskrit College has got a Principal who is absolutely innocent of Sanskrit. The Bethune College also must remain because it is the only Government college for female students.

I wish to refer more especially to the colleges in the mufassal. Here, curiously enough, I find my starting point in the passionate argument which was addressed to the Council yesterday by my friend, Khan Bahadur Maulvi Azizul Haque. The Khan Bahadur was passionately pleading for an expenditure of Rs. 10,000 to provide a hostel for the accommodation of 8, 10 or 12 Muhammadan students; he never cared to be specific on the question of number but preferred to be delightfully vague and ambiguous. One of the arguments with which he set out to fortify himself was that Rs. 90,000 had been spent for the purpose of providing a Hindu hostel. My humble reply on the point would be that the spending of the sum of Rs. 90,000 was an extravagant misuse of public money. But evidently the Khan Bahadur is of opinion that two wrongs must make a right. If you spend Rs. 90,000 for a Hindu hostel, then, for the purpose of balancing the injustice, you must spend some money also upon a Muhammadan hostel whether the necessity is there or not!

My contention will be that the college at Krishnagar for which these two hostels are wanted, does not deserve to exist at all. The numerical strength of the college at the present day is only 200; and for imparting some sort of education—what sort had better be left unsaid—for imparting some sort of education to these students Government spends annually Rs. 1,00,000, working out at the rate of Rs. 500 per student. Contrast this with what is actually spent on the Presidency College. In the Presidency College there are roughly 1,000 students and the annual expenditure is Rs. 3,00,000 working out at the rate of Rs. 300 per head. There is no comparison whatever between the two colleges. Even my friend, Khan Bahadur Maulvi Asizul Haque, with his keen intensity of parochial patriotism, will not contend that the Krishnagar College is in any way in the picture in comparison with the Presidency College. There is no such staff, no such equipment, no such provision for imparting instruction at the Krishnagar College as at the Presidency College. Yet in the Presidency College, Government spends Rs. 300 per head per student, while in the Krishnagar College the expenditure is Rs. 500 per head. But the contrast will be still more striking if we take into account the expenditure per head in the other colleges of Calcutta. There are in Calcutta certain private colleges which do not receive a single pice of Government money but which impart education to at least 10,000 students, and the quality of education imparted there, is certainly high enough to attract students from all parts of Bengal—including the Nadia district.

3-45 p.m.

Sir, there are four of these colleges—or rather five including the college at Bhowanipore—in Calcutta, viz., the City College, the Bangabasi College, the Ripon College, and the College with which I have the honour to be associated—the Vidyasagar College. Between them they impart education to more than 8,000 students. The Bangabasi College has at present on its roll something like 1,600 students, the City College 1,400, the Ripon College 1,200, and my own college 2,200—which is ten times the number that is catered for by the Krishnagar College. The Krishnagar College gets Rs. 1,00,000 of Government money, whereas we do not get a single pice; and the expenditure in these non-official colleges in Calcutta works out at just under Rs. 100 per head, while in the case of the Krishnagar College the expenditure works out at Rs. 500 per head. Would it be contended that the quality of education imparted at the Krishnagar College is so very superior? Sir, I deny it, and I shall refute the contention by figures. Every year from the schools in the Nadia district about 1,000 students pass the Matriculation examination. At any given moment during the year at least 1,000 students of this district are receiving education under the auspices of

the Calcutta University; and only 200 of these remain in the Krishnagar College, whereas 800 go to other parts of Bengal, showing that the quality of instruction imparted there, must be poor indeed! And yet for this inefficient, worthless, effete, and rotten institution the tax-payer is called upon to pay a tribute of Rs. 500 per head a year.

Let me pass on to the Hooghly College, which is not much better off. There the numerical strength of students is only 275, and the Government expenditure is Rs. 1,25,000 every year, which again works out at the rate of more than Rs. 450 per head per annum, as against Rs. 300 in the Presidency College and Rs. 100 in the private colleges of Calcutta. Things, of course, are a little better so far as the Chittagong and the Rajshahi Colleges are concerned, but even there the rate of expenditure is much higher than it ought to be. In the Chittagong College the expenditure works out at Rs. 195 per head per annum; while in the case of the Rajshahi College it is Rs. 160 per head per annum. My contention is that it would be a profitable bargain for Government to abolish all these Government colleges, withdraw the sums spent on them, and institute a system of liberal grants-in-aid to private colleges. The cause of education will really be furthered by this. You will save Rs. 5 lakhs by abolishing these colleges; and by a judicious use of these Rs. 5 lakhs you would be able to maintain at least 20 colleges in first-class working order, whereas at present you are maintaining only four. Therefore, there is absolutely no argument in support of the continuance of these mufassal Government colleges.

Sir, I do not wish Government to make any profit out of this. Let them abolish the colleges and distribute the funds that will be released as grants-in-aid to colleges which have been doing their work, and doing it splendidly, without any assistance or recognition from Government up till now.

Mr. W. C. WORDSWORTH: Sir, I am far too wise to contend unnecessarily with Mr. Jitendralal Bannerjee, and I do not wish to oppose the point of view that he has put before the Council. I wish to raise only one general consideration, which, I think, should be in our minds when we deal with this problem. We have to ask ourselves what was Government's intention in establishing these Government educational institutions, and that takes us back many generations ago when there was little higher education in the land, and Government established schools at district headquarters and colleges in certain other places by way of setting a good example. Government acted as a pioneer to show the way, but since then Government has been caught up, and I may say easily out-paced, by the people to whom it was showing the way, and the matter has never been reconsidered since.

Now, let me say a word about the schools. Government has some 40 schools. The people to whom these 40 schools were to be an illumination have since then established in Bengal about 1,000 schools of their own. These 40 schools have among them some of the very best schools in the province, but I do not think that any one here will contend that these 40 schools are the best 40 schools in the province. In the same way we have to consider the colleges. My instinct as an Englishman, brought up in the traditions of my country, leads me to disapprove the principle of Government being directly responsible for the maintenance of educational institutions. Government, we feel in England, has a duty in supervising and assisting educational institutions, but not in accepting direct responsibility. At the same time, any attack upon Government institutions necessarily jars on my memories, because I am very proud of those pleasant memories of the years I spent at the Presidency College. However, Sir, I must not be carried away by any personal feelings. The question which we must ask ourselves is this: does Government get any return for the money spent on Government institutions? Does Government by maintaining them add something to the educational system of the province that could not be added otherwise? Does Government by spending this money directly do more for education and at the same time do something for its own reputation as being interested in the education of the people, than it could do by handing the money over to private agencies? That is the point of view that we have to consider, and while I do not wish to venture any opinion whether these institutions do now command sufficient confidence, whether they are popular enough with students and parents, and whether they are generally believed to do something that could not be done otherwise, I say that whenever we come to a time when that is clearly not the general belief, then we come to a time when Government should divest itself of all direct responsibility and let private agency do the work. I am speaking in a general sense, and I do not wish to answer "yes" or "no" to the question whether that time has come.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I had no intention to take part in this debate, but so many references have been made to me by my esteemed friend, Babu Jitendralal Bannerjee, that a word or two in reply is necessary.

Mr. PRESIDENT: Are you speaking on the motion, or are you speaking in reply to Mr. Bannerjee's speech?

Khan Bahadur Maulvi AZIZUL HAQUE: I am speaking on Babu Jitendralal Bannerjee's motion. My friend, Mr. Bannerjee, has raised the question of the Islamia College. I will not say any thing more by way of appeal, because I find that all my appeals have been in vain. I

shall only put some facts and figures before the House. I am sorry that Mr. Bannerjee has rushed in this House without acquainting himself with the actual state of affairs as to why this college was started.

Babu JITENDRALAL BANNERJEE: I never questioned the utility of the college.

Khan Bahadur Maulvi AZIZUL HAQUE: I was showing the necessity for starting the college. There was a time when Muhammadan students in Calcutta found great difficulty in getting admission to colleges, and had to go from door to door for the purpose. Is Babu Jitendralal Bannerjee aware that there are many private colleges where there is no provision for the teaching of Arabic and Persian?

Mr. PRESIDENT: I am afraid there will be many interruptions if you proceed on this line. The best thing for you would be to support the Islamia College or any other institution. Please do not refer to any particular member by name.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. How does the question of the Islamia College arise?

Mr. PRESIDENT: You raised that question yourself.

Babu JITENDRALAL BANNERJEE: Sir, I referred to the Islamia College only in passing.

Mr. PRESIDENT: I think the Khan Bahadur can refer to it as well.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, only a few years back as many as 160 students had to find tremendous difficulty in getting admission in some of these colleges. Then, Sir, there was the difficulty about hostel accommodation in Calcutta. You cannot blame the circumstances on account of which Moslem students have to live in Wellesley Square and near the Baker Hostel of the Madrasah. The colleges of Calcutta are very far from this locality, and the Muhammadan students, who cannot afford to use cars like my friend Mr. Bannerjee, found it extremely difficult to attend their colleges. Most of the Moslem students are very poor and cannot afford the luxury of even a tram-car or any other conveyance. And they have to walk a distance of about two miles every day after taking their meals. These are the difficulties which had to be faced years before the Islamia College was started, and even when it was started it was started up to the intermediate standard only.

Sir, my friend has raised a note that the time has come when we should abolish all the Government arts colleges. So far as the idea is

concerned, I have no quarrel with it. But I would ask whether the time has really come for abolishing these arts colleges. I am saying this not from the general point of view but from the point of view of Moslem education. I feel that if you really abolish these colleges, most of the Moslem students will find difficulty in getting admission to private colleges. I do not blame the private colleges if they are not able to provide for the teaching of Persian and Arabic, because the number of Muhammadan students is so small. The fact stands that unless such provision is made, Muhammadan students will find great difficulty in getting admission to private colleges.

As regards the Krishnagar College, I need not say much. I think that if Babu Jitendralal Bannerjee had gone through the Civil List, he would have found the reason why in the case of the Krishnagar College the cost per student is so high. I say it is so high because the policy seems to be that any and every senior man who cannot be posted to any other convenient place is dumped on the Krishnagar College, with the result that sometimes you find all the professors employed there to be very senior men and not probably wanted anywhere else. The result is that expenditure is enormously high. If you send comparatively junior men there, you will find the cost considerably decreased. Therefore, the calculation of Mr. Bannerjee—Rs. 500 per head per annum for the Krishnagar College and Rs. 300 for the Presidency College—is absolutely beside the point. There is one professor who gets Rs. 800 or Rs. 900 a month; while there is another who gets Rs. 200 or thereabout. If you post the man getting the higher pay to the Krishnagar College, it naturally follows that the cost of running the college would be increased.

4 p.m.

My friend has suggested that we had better concentrate our efforts to Calcutta colleges. Is he sure that in the mufassal people will be able to start private colleges of their own? I am afraid it will not be possible to do so in spite of adequate grants. If that were possible many districts would have started private colleges. It would be difficult to get these colleges properly run if the Government financial help to the extent it is given to-day is taken away. I will say one word more, and that is this: Of late the tendency of Government has been to concentrate its help to Calcutta colleges. That is the reason why the efficiency of the mufassal colleges has deteriorated; it is not because that the mufassal colleges are bad in themselves. If my friend will study the history of private colleges, he will find that some of the best students have been produced by them. In Krishnagar College the public have given a very adequate amount of contribution; they gave the whole land for the purpose of the college; they endowed the college with a sum of

Rs. 80,000, and as a matter of fact the public have given their most, and I am not ashamed to say that Nadia is the poorest district in Bengal. I oppose the motion for the abolition of these colleges.

Maulvi SHAMSUDDIN AHMED: I beg to move that the demand of Rs. 14,85,000 under the head "31A.—Education (Transferred)—University—Government Arts Colleges" be reduced by Re. 1 (to raise a discussion about the policy of Government towards higher education and the inadequacy of grants towards private colleges).

Sir, I have heard with great attention the speeches that have been made just now by the different speakers both for and against this motion. But, Sir, I must say that Government is not paying sufficient attention to the private colleges and is incurring lavish expenditure to maintain a handful of Government colleges, has not justified its action. My reason for bringing this motion before this House is to draw the attention of Government to the fact that Government is not giving effect to the various resolutions and recommendations adopted in various despatches and commissions. So far back as 1854 the famous Wood Despatch "looked forward to a time when any general system of education provided by Government might be gradually discontinued with the advance of the system of grant-in-aid, and when the management, specially of the higher institutions, might be handed over to local bodies under the control of, and aided by, the State." Fifty years later the same idea was reiterated with greater clearness in the resolution on Indian Educational Policy (March 1904). I may quote the following passage:—

"The progressive devolution of primary, secondary and collegiate education upon private enterprise and the continuous withdrawal of Government from competition therewith was recommended by the Education Commission in 1883, and the advice has been generally acted upon. But while accepting this policy the Government of India at the same time recognise the extreme importance of the principle that in each branch of education Government should maintain a limited number of institutions, both as models for private enterprise to follow and in order to uphold a high standard."

In 1919 the Saddler Commission recommended as follows:—

"Government colleges in the mufassal should be provided with distinct governing bodies and fixed annual grants, any increment in their revenues from public funds being thenceforth derived from such funds as Government may find it possible to place in the hands of the executive council of the University for development of University training in the mufassal."

About Government Educational Service the Commission reports:—

"Thus no teaching posts concerned with University work would ultimately remain under the present conditions of Government service."

It is 70 years since the Wood Despatch was drawn up and yet nothing has been done on the lines of those recommendations. There is, of course, reason for Government being cautious and thinking twice before taking a forward step, but here the Government has thought at least four times and its caution has degenerated into absolute procrastination. I am of opinion, as some of the speakers, specially my friend Mr. J. L. Bannerjee has suggested, that the Government colleges should be deprovincialized and the money released from these institutions should be granted to private colleges. My friend, Khan Bahadur Maulvi Azizul Haque, apprehends that if these colleges be deprovincialized then private people would not come forward to establish private institutions. Sir, I am not very pessimistic about that. I know that without financial help from Government people have started private institutions and to-day private institutions are being established without Government help. I hope the day is coming when all the educational institutions will be independent and the people will take up the educational institutions in their own hands so that the educational policy of the country may be carried on on different lines. Sir, my reasons for supporting deprovincialization of Government colleges are as follows.

It is the bounden duty of every Government to be impartial in its awards, but I am sorry to bring to your notice that at present the distribution of Government money among private and Government colleges is astoundingly disproportional. The following figures will tell their own story. To quote a few instances, the cost per annum spent from provincial revenue on each pupil is—

	Rs.	A.
Sanskrit College	509	0
Krishnagar College	435	9
Serampore College	64	11
Pabna College	49	7
Mymensingh College	11	8
Comilla College	6	4

Nor is this inequality of distribution justified by the results achieved by the mufassal Government colleges. I make no apology for quoting the following extract from the sixth Quinquennial Report of the Education Department:—

"Certain trains of thought inevitably follow an examination of these figures. To take extremes, a student may, in a private unaided college, receive a year's tuition at a total cost of Rs. 57, most, if not all, of

which he provides himself in the shape of fees; and if he passes all the examinations at the first attempt, he graduates for Rs. 228. A student at the Presidency College similarly graduates for Rs. 2,000, of which he provides about Rs. 500, being subsidised to the extent of some Rs. 1,500. The question arises, is this very disproportionate expenditure of Government money justifiable by results? And further, is the system of choice sufficiently discriminating to ensure that those lucky individuals who enter the gates of the Presidency College are worthy recipients of a free gift of nearly Rs. 4,000 each per year for four years?"

I do not deny that the Government colleges served a very useful purpose at start, but now many private colleges have sprung up which can vie with the education imparted in Government colleges. Under these circumstances, there is no justification for making proportionately large grants to Government colleges at the cost of the private colleges, many of which could have rendered very good account of themselves but for the paucity of Government grant. Fourteen private colleges do not receive any grant whatsoever from Government and some are in a tottering condition. The result of this inequality of distribution has been that Government has laid itself open to the charge of being actuated by partiality and political motive. As I have already said that the money that would be set free by deprovincialization of Government colleges may be well spent by giving aids to private colleges. I beg to suggest that in future grants to colleges should be made through the University or at least on the recommendation of the University. Sir, everybody knows well that dual Government, or I should say diarchy in this province has failed. So, also this dual system of higher education must be given the go-by. So, I suggest that grants should in future be made on the recommendation of the University, and that with the spread of higher education in Bengal, the distribution of grants, if not augmented should be kept in equal level with the money set apart by the deprovincialization of all these Government colleges. We know all very well how at present these Government colleges are administered. Only two years back, in the year 1928, when the Simon Commission made their appearance in this country and when the seven honourable gentlemen arrived in Calcutta, we know very well that on the day they arrived

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Mr. PRESIDENT: What has that got to do with the policy of Government in regard to higher education?

Maulvi SHAMSUDDIN AHMED: I am coming to that, Sir. The policy of Government that is followed in these institutions is to put down the spirit of free thinking amongst those who study there in a high-handed way. Government does not take any step whatever to deal with the Principal or the staff of their colleges.

4-15 p.m.

At present what have we seen to happen in the Krishnagar College? I come myself from the district of Nadia. We find that a strike has been declared by the students. What for? Because the students hoisted a National Flag in their hostel and the Principal got enraged and asked the students to apologise. But the students did not surrender themselves to the Principal.....

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, may I rise on a point of request? I would appeal to my friend not to refer to the Krishnagar College incident, as the matter is still pending and it will be very much harmful to the college if the matter be discussed in this House and the settlement jeopardised.

Mr. PRESIDENT: I think that is a very reasonable request.

Maulvi SHAMSUDDIN AHMED: I have no intention of jeopardising the settlement and I would welcome it. I rather regret that Government have up till now not been able to bring about a settlement. This fact does not speak very well of the Government. I believe that the policy that has been followed in the matter of higher education is absolutely faulty and the sooner the Government gives up this policy of running these colleges the better it will be for the people and the administration of Bengal.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, I rise to support the motion which has been moved by Maulvi Shamsuddin Ahmed. As one connected with a Government-aided Intermediate College at Dacca, I feel I would be failing in my duty if I did not point out the inadequacy of grants to private colleges receiving subsidies from Government. I can speak from my experience of the Salimullah Intermediate College at Dacca which has been established in pursuance of the recommendations of the Sadler Commission. It was formerly a High English School with a brilliant record behind it and was known as the Imperial Seminary. The status of the school was raised to that of an Intermediate College in 1925 with two Intermediate classes tagged on to it. This is known as the "C" type of college according to the recommendations of the Sadler Commission. The college is under the control of the Board of Intermediate and Secondary Education, Dacca, and receives Government grant through the Board. When the college was established five years ago, both the Government and the Intermediate Board imposed certain conditions regarding the appointment of teaching staff and other matters which must be fulfilled in order to qualify the institution for securing Government grants (recurring and non-recurring) and recognition.

The Governing Body of the college fulfilled their part of the duty by carrying out the wishes of Government, of which the Hon'ble Minister himself is aware, being then one of its members, but I regret to have to say that Government have not done their part by fulfilling their promise in regard to the sanctioned grant. Sir, I only cite this as an instance. There are other private colleges which are in receipt of Government grants and which also have to struggle for their existence on account of the inadequacy of Government grants. The Salimullah College, to which I have referred, is a feeder institution to the University of Dacca and is in need of an increased grant in order to keep it going. Then again, Sir, the small grant which it receives from Government is not paid in time (this year's grant has not yet been paid) with the result that the authorities have to borrow money at high rates of interest to meet current expenditure. I make these remarks not in a cavilling spirit but I feel that it is high time that Government revised their policy in regard to these colleges and sanctioned such grants as would enable them to carry on without much difficulty.

With these words I support the motion.

Dr. Sir NILRATAN SARCAR: I beg to move that the demand of Rs. 14,85,000 under the head "31A.—Education (Transferred)—University—Government Arts Colleges' be reduced by Re. 1.

Sir, my object is to raise a discussion about the policy of Government towards higher education and the inadequacy of grants towards private colleges.

Sir, there is ample evidence that the old relation of cordiality that existed in the past between the authorities and the students is now a thing of the past. Recently, during the last three years there have been no less than four unfortunate events showing a straining of the cordial relation between the authorities and the students in three Government Colleges—I mean the Presidency College, the Rajshahi College and the Krishnagar College, and I may also mention the little flutter that occurred in the Bethune College. Well, perhaps, it may be said that the present-day students have become too much sensitive and too much proud owing to some extraneous influences in our society. Be that as it may, but these are facts and they have to be properly dealt with. We cannot afford to sacrifice the progress of education in this country amongst our people. If, on the other hand, it is due to any change in the angle of vision on the part of the authorities, or on the other hand to a change in the heart of the authorities themselves, then these things have to be taken into account and proper remedies applied, for otherwise there is no hope for educational progress in this country. Sir, education can only grow with the warmest co-operation of both the parties, viz., the teacher and the taught.

If the golden relation becomes more and more strained with the growth of whatever forces that may be working amongst us, it is time that we should see that such forces should not be allowed to interfere and that we should see that our boys and girls have better facilities for education.

As regards private colleges, I would draw your attention, Sir, to the fact that they are responsible for a major part of the educational work in this province. More than 20,000 students out of 26,000 of the University are in their care. It must be admitted that Bengal is doing her best for the education of her boys and girls: but more has to be done. The teachers numbering about 700—I mean only the teachers in private colleges—are in a most critical plight, their average pay being not more than Rs. 133 per month. There may also be some sort of arrangement for provident fund, but then the poor colleges cannot contribute much and contribute always. During the last six years there has been a great falling off in the number of students and most of these private colleges could only meet both ends by the income they derived from the students. The private colleges have raised their tuition fees in most cases from Rs. 3 to Rs. 7/8, i.e., 2½ times and still it is impossible for them to make both ends meet. That is the reason they have to appeal to Government for help. It is Government work that they are doing. Government pays Rs. 1,29,000 every year towards the improvement of libraries and laboratories of the private colleges but if this amount be doled out to 13 colleges, it allows only a small sum to each college. A much larger sum is required not for the improvement of the colleges but for the maintenance of many of them. The decrease in the number of college students has made it difficult for many of our colleges to maintain their existence; and it is necessary that Government should take up this question.

As regards the disputed question of deprovincialising the colleges, or some of them, there are two views. Some are of opinion that there should be one or two model colleges that should be allowed to exist and the money that is being spent on account of other colleges should be gradually withdrawn, the colleges being deprovincialised, and spent for higher education in a larger field. I think, Sir, it is a question which cannot be decided by a snap vote like this. It is a question which has to be considered, Sir, from various points of view, and I believe that whatever vested interests have been created should be respected and after that a levelling should be adopted. There is the other plea for helping the maintenance of the private colleges and we must have some help from Government. Otherwise it is impossible for us to help these colleges out of the difficulties which have been created through no fault of their own but by circumstances over which they have no control.

With these words, I commend my motion to the acceptance of the House.

Mr. SYAMAPRASAD MOOKERJEE: Sir, I am thankful to Sir Nilratan Sarkar for having raised discussion on a question of such vital importance to the future of educational progress in Bengal. The rapidity with which the gulf of distrust and of suspicion between the students on the one hand and the authorities on the other is becoming wider is a matter of serious concern to all of us.

Mr. PRESIDENT: I must now adjourn the Council for prayer. Mr. Mookerjee may resume his speech when we re-assemble.

Mr. SYAMAPRASAD MOOKERJEE: Very well, Sir.

(At 4-32 p.m. the Council was adjourned for prayer and it re-assembled at 4-45 p.m.)

Mr. SYAMAPRASAD MOOKERJEE: This motion of Sir Nilratan Sarkar draws the specific attention of the House to the recurrence of strikes and disturbances in Government institutions. On many occasions they have been the outcome of a misunderstanding between the students and the authorities, not infrequently misunderstanding on some simple issue at the beginning, which instead of being sympathetically faced and tactfully removed, has been allowed the privilege of a rapid growth often on account of a misplaced sense of prestige and dignity.

Many of the troubles, I know, are due to a failure on the part of shortsighted and reactionary officers of the Education Department to appreciate the sentiments which have occasionally prompted the students to express in some form their sympathy with the leaders in their efforts to gain political freedom for their country. The hoisting of the national flag or the celebration of the Jatin Das day are not such heinous acts as should disturb the peace of mind of the educational administrator. In the name of discipline there has often been a reign of coercion and oppression which has only resulted in widening the breach more and more.

Sir, I would refer in particular to the series of disturbances which are openly regarded as due to the tactless and inefficient administration of one of the ornaments of the Education Department. I mean, Sir, the present officiating Director of Public Instruction, Mr. H. E. Stapleton. The time has come when the opinion of the educated community of Bengal on the manner and method of administration of this public servant should be openly brought to the notice of Government.

On this occasion I do not desire to refer to his many-sided activities, much though I would like to deal with some of his notable performances as an Inspector of Schools in Eastern Bengal during the Partition Days———

Mr. PRESIDENT: You need not refer to that.

Mr. SYAMAPRASAD MOOKERJEE: I shall not refer to that. I shall confine my attention only to the disservice he has done to Bengal by his repeated acts of folly and tactlessness which have been largely responsible for creating situations which might easily have been avoided, thus giving rise to wide differences between teachers and students.

Mr. PRESIDENT: Are you referring to his acts for which he is responsible in his official capacity?

Mr. SYAMAPRASAD MOOKERJEE: Yes, Sir. My first grievance against Mr. Stapleton is—and I say this with a full sense of responsibility—that he has been guilty of introducing what can be tersely called C.I.D. methods into the administration of the premier college of Bengal. To quote only one instance. There have been cases of students whom Mr. Stapleton, as Principal, desired to see punished for taking part in the boycott of an academic function which was to be attended by the Governor of Bengal, a function which was made lively and gorgeous by having the college premises surrounded by well-dressed police constables and sergeants. Now, Sir, evidence was necessary to prove the guilt of the students concerned. And, will it fill the House with a sense of pride and satisfaction when it is told that such evidence was made available by loyal Professors of the College coming forward and declaring that they had overheard particular students saying particualr things during a conversation at a tea-shop in College Street. Several students also were got hold of and evidence was given by them as to what they had seen their fellow-students to have done or heard them to have said on different occasions. I ask the House, Sir, if this method of administration was worthy of the head of an educational institution, or, perhaps, it did reveal qualities of head and heart which would make the claims of the worthy gentleman irresistible for a well-paid post in the Elysium Row establishment. I leave, Sir, the House to conclude whether such instances help to foster feelings of cordiality and respect between students and teachers. That was in 1925.

Let us skip over a period of three years and come to that fateful day when the Simon Commission arrived in Bombay. The hartal of 3rd February, 1928, will live in the memory of the present generation. A

few days before that date His Excellency the Governor of Bengal, who is the Visitor of Presidency College, paid a visit to that institution. Every Governor has done so and such visit has been followed by a generous grant of seven days' holiday. I take it, Sir, it was an accident that His Excellency visited the College just before 3rd February. The point is, an opportunity was created for Mr. Stapleton to close his College for a period which would have included the hartal day. The authorities of many other educational institutions, even including those under European management announced that there would be no lectures on 3rd February—not that, I suppose, all of them had much sympathy for the object of the hartal, but as reasonable administrators they thought that feelings were bound to run high on such an occasion and it would be an act of prudence to prevent the students from collecting in a body within the College premises. But Mr. Stapleton refused to take advantage of His Excellency's visit, kept the College open and wanted to prove himself *the* strong man in Bengal. With what results, Sir? The students did not turn up. Even the lure of listening to a learned lecture, on the Holy Bible which was the only teaching work allotted to the Chemist-Principal proved too small a temptation. I have no desire, Sir, to recall the detailed incidents of that fateful day. There were cases of serious assaults and bloodshed. Armoured cars paraded College Street. Police forces ran up and down the corridors of the College; there were attacks and counter-attacks. The Principal, the strongest man in Bengal, trembling in his shoes, dared not at first leave his room. With the help of some friendly and popular Professors Mr. Stapleton somehow managed to leave the College, leaving the students and others at the mercy of the police. The students had already become excited at the spread of a report that one of them, who had been seriously assaulted and removed to the hospital, was assaulted at the instance of Mr. Stapleton.

Sir, it is an open secret that these disturbances led the Government to depute Mr. Hogg, a member of the Indian Civil Service, to report on the whole affair. It will be interesting to know what that officer had to say about the way in which Mr. Stapleton conducted the whole business. A Committee was also appointed, presided over by Sir B. L. Mitter, and it would be interesting to know the findings at which that Committee arrived. Neither of the reports ever saw the light of the day. Would Government venture to place the reports on the table? What do you think, Sir, was the consequence of all this bungling? Why, Mr. Stapleton received a promotion and was appointed officiating Director of Public Instruction. And now I come, Sir, to the causes of the next disturbance at the Presidency College. I wish, Sir, Mr. Stapleton as Director had left the responsibility of administration in the hands of the Principals themselves. When Mr. Ramsbotham, Mr. Stapleton's successor as Principal, was doing his best to restore to

Presidency College a much-desired academic atmosphere, the Burra Sahib began his policy of interference. The Superintendent of the Eden Hindu Hostel, who was a popular teacher of the College, liked and respected by the students, was suddenly removed. His great crime was that he had allowed himself to be photographed along with an expelled student of the College at what was a purely social function. This was the student, Sir, who was assaulted by the police on the hartal day and, be it added, to whose house Mr. Stapleton was compelled to pay a visit in order to express regret for the injury he had sustained at the hands of the police. If this act of Mr. Stapleton is to be characterised as one of spontaneous politeness, must the conduct of the Superintendent be deemed as an example of disloyalty? Sir, the Superintendent had to go in spite of the Principal's protest. The story does not end here. When the question of appointing his successor came up, the Director showed equal eagerness to ignore the recommendation of the Principal. The name of another popular and well-respected teacher was sent up and that also was rejected on grounds other than academic. Finally, Sir, notwithstanding the protests of the Principal, the Director appointed a gentleman who did not belong to the College staff—a medical practitioner who was well known as one of Mr. Stapleton's henchmen and was thoroughly disliked by the students. This disagreement between the Principal and the Director was one of the reasons that led to Mr. Ramsbotham being transferred from Presidency College. With the appearance of the new Superintendent troubles began in the hostel. The internal differences gradually took shape and burst forth into another strike. Thanks to the tactfulness displayed by Mr. Barrow, it did not lead to as serious consequences as on previous occasions. One of the first steps he took was to secure the removal of the outsider Superintendent and offer the appointment to one of the teachers of the College staff.

Sir, I do not want to multiply instances, neither have I the time to discuss Mr. Stapleton's share of responsibility regarding the Krishnagar College strike. But the feeling of distrust has become so acute that students of Government institutions, including lady students, are openly refusing to accept prizes at ceremonies presided over by the Director. I am not suggesting that during the stages through which the various controversies had passed the action of the students was not open to any criticism or objection whatsoever. What I maintain is this, that the tactlessness, impatience and incapacity displayed by one of the principal officers of Government have often been responsible for arousing distrust and suspicion and creating situations which might easily have been avoided. It is the clear duty of Government to make a full examination of the events of the last few years, find out the causes of the unrest and determine how to prevent the recurrence of such controversies. The reign of terror must

be brought to an end. In any *bona fide* attempt made by Government which aims at removing distrust and suspicion and fostering an atmosphere of goodwill and friendliness, they may depend upon the support of the educated public of Bengal.

Sir JADUNATH SARKAR: Sir, in connection with these two motions, which are of the same purpose, a number of statements have been made which I cannot allow to go unchallenged. From an inside knowledge of the facts I consider it my duty to lay before this Council what the educational situation in this province has been during the last four years. I seriously call upon the elderly members of the Council to realise the effects of the fatal attraction of Calcutta on our students. If the principle of Mr. Jitendralal Bannerjee's motion is accepted and Government ceases to finance the present Government colleges in the mufassal, these colleges will cease to exist. There would be a still greater crowding of mufassal students into the Calcutta colleges. And what would be the result?

At present the mufassal colleges work under a great handicap. All scholarship-holders and all brilliant students come to the Calcutta colleges. Those who take up Honours migrate to Calcutta, because many of the mufassal colleges have no arrangements for teaching honours in all subjects. Rich men's sons, those who can afford to keep expensive tutors, migrate to Calcutta, and only very poor students are left to feed the mufassal colleges. Therefore, the percentage of passes from a mufassal college must necessarily be lower than the percentage of passes in the Calcutta colleges, though I know there have been some private colleges in Calcutta which passed only 22 per cent. at the I.Sc. examination, when some mufassal colleges passed double that figure. Then Calcutta exercises a fatal attraction upon the student community, and the circumstances in which our students live in Calcutta have been painted in lurid colours in the report of the Sadler Commission. There are in Calcutta more than 10,000 mufassal students without the softening and corrective influences of home life, without a person who may be called even a distant relative or a guardian to guide them. There is no control over their action out of college hours, that is to say, the moral restraint of being observed by people known to them if they do anything wrong, is absent here, but it is present in the mufassal, where the students live amongst their own people or live in hostels in their home districts. Then, there are the constant distractions of Calcutta life which are fatal to the students' work. Here they have the evening lectures in the Albert Hall, almost daily gatherings in the Shradhananda Park, processions in celebration of this martyr or that, and flag processions. Then the students are often invited in print to act as election agents for the political leaders, to arrange for meetings and to get up audiences at

them. In addition to these there are the seductive pleasures of Calcutta, many of which are absent in the mufassal. The inevitable consequence is that our Calcutta students have to make time to attend to every kind of lecture except their college lectures; in the course of political processions and meetings the college lectures and home study are crowded out.

I invite the parents of students of Bengal to consider seriously whether these fatal tendencies should be encouraged by further concentrating the students in Calcutta. The mufassal colleges act as some check on this evil. They enable the students living in the mufassal to get some kind, a fairly good kind, of higher teaching, for students of mufassal colleges have often done marvellously well in the Intermediate and other examinations. It is, therefore, incorrect to say that the mufassal colleges are all rotten and the Government colleges in the mufassal deserve extinction. Should not rather the fatal attractions of Calcutta be reduced by providing in the mufassal the superior amenities and better equipment which Government colleges alone can supply? Government colleges are there to prevent the students from being sucked into the whirlpool of Calcutta or forced to go without education if they are poor. We must try to keep our students away from this life of constant agitation; otherwise, the consequences will be such as should be deplored by every father who has the well being of his children in his heart.

In connection with this matter it has been specifically urged that the professors and the heads of Government colleges act under a mistaken sense of prestige and show a lack of sympathy towards the students. These are the very words used by Sir Nilratan to-day. If strikes by students had been the monopoly of Government colleges I could have understood that such a view was based upon fact, but what has been the educational history of Bengal during the past three years? There have been strikes not only in the much-maligned Government colleges, but also in private institutions like the City College, the St. Xavier's College and the Scottish Churches College. The Scottish Churches College represents the noble sacrifice of Scotsmen who have worked for over a century for the education in Bengal. It is now 120 years since David Hare lived in our midst; it is now just a century since Dr. Alexander Duff opened his great College for our boys. The late Principal of this Scottish Churches College, Dr. James Watt, is only the last example of the Scotch educationists who have given of their best to Bengal. But what was the reward that Dr. Watt received from our leaders for his 40 years' service to Bengali boys? No one has breathed a syllable against his character; nobody can suggest that Dr. Watt acted under a mistaken sense of prestige or had no sympathy with his students which are alleged by Sir Nilratan as the causes of students' strikes; and yet there was a strike against him and

he was howled down in our nationalist press. I know from my position at the University at the time, that there was a crowd constantly posted in front of his college to prevent the loyal students from getting in. At that time I was the executive head of the University, and I can tell you that the father of one of the students came and complained to me that his son in trying to enter the college for his lectures was stabbed with a sharp steel pen and driven back from the college gate by the rowdy crowd. Can it be urged that Scottish Churches College was given up to bureaucratic rule by a man like Dr. Watt, who had devoted 40 years of his life to the welfare of the students of Bengal?

Then take the case of the City College, the name of which is associated with the saintly character of its Principal, Babu Heramba Chandra Maitra. Will it be argued for a moment that Principal Heramba Chandra Maitra acted under a mistaken sense of prestige or showed a lack of sympathy to the students? He is the kindliest and gentlest of men. The action taken by the authorities of the City College against the leaders of the disorder was based upon a report made by one of the professors who had overheard their conversations.

In a similar case, Mr. Mookerjee has recommended that the Professor of the Presidency College concerned should be given a high post in the C. I. D. I hope that my friend Mr. Syama Prasad Mookerjee, when he has the power, will be consistent and appoint this professor of the City College also to the C. I. D. office in Elysium Row, and Sir Nilratan will throw the entire blame for the City College strike on its Principal Heramba Babu.

Next, take the case of the St. Xavier's College. This college is associated with self-sacrifice in the cause of education for which the Jesuits are known all over the world. Their educational institutions are maintained in a high degree of efficiency in many places of India. Can it be said for a moment that Father Roeland or Father Crohan of this college acted under a mistaken sense of prestige and thus provoked a strike amongst his students If that is not so, why should it be taken for granted that the Principals of the few Government colleges where there have been strikes of late acted as so many bureaucratic tyrants and brought about the strikes? I know that the last strike in the Presidency College, which has been referred to by the previous speaker, was entirely organised by outside influence and conducted by grown up political leaders who ought to have known better. These leaders kept themselves in the background; they were seen hovering about in their motor cars, coming here and going there and sending the boys on to the firing line, if I may say so. A loyal student of the Presidency College was actually assaulted. I know this from my personal experience because he complained to me that he wanted to attend college, but on account of

brickbats thrown at him he could not enter it. Can it therefore be said with any degree of correctness that the students of the Presidency College disapproved of the conduct of their Principal? A lot of outsiders were brought in to ensure that the loyal students who formed the majority in that college would be forcibly prevented from going to their classes. From an enquiry which I made at the time I found that the strike was engineered from outside, as the attendance at private colleges on that day was very thin, most of these colleges were actually closed and their boys were sent out by the leaders to conduct the campaign against the Presidency College.

I call upon the fathers of our boys to say whether they are going to lend their support to this ruinous political game. I deprecate any such policy because with it is connected the uplift of Bengal, with it is connected the culture of our country, and scientific research and original investigation into the past history of our country are conditional upon there being ordered progress in knowledge. Each generation ought to advance beyond its preceding generation and acquire the knowledge gathered in the past. But too many senseless strikes of this nature are preventing our youths from gaining the requisite knowledge. If they are subjected to constant distractions, constant obstructions and disturbances, the political leaders may claim a victory, but the net result will be that the students will be less prepared to face their life's task and they will grow up into fools. Are we heading towards such a downfall? Indian Swaraj will not be facilitated by such strikes. The students who devote themselves to these strikes will in the end be unfit instruments for the service of their mother country.

Then, with regard to private non-Government colleges in the mufassal I beg to point out that Rs. 1,29,000 which is called an Imperial grant is paid every year by Government to these colleges for better equipment, library, laboratory, etc., and the college which Mr. J. L. Bannerjee represents gets Rs. 6,500 per annum. This is for equipment. Then a little over a lakh of rupees is distributed every year by the Government of Bengal in aid of maintenance charges, to a number of non-Government colleges—I admit not to all but to a large number of them—and nearly all the mufassal colleges get this aid. Palatial hostel buildings have been supplied to some private colleges in Calcutta at Government expense. Mr. J. L. Bannerjee's own college has been provided with a hostel, etc., which are the gift of the Government of India, at the trifling cost of over six hundred thousand rupees, yet he contends that Government have been blind to the interests of the private colleges and have been partial in the distribution of patronage as between private colleges and State maintained colleges. It is true that in the mufassal the private colleges labour

under a great handicap. But the abolition of the Government colleges there will aggravate the educational evil of the country tenfold and thereby prevent the furtherance of the culture of Bengal.

Mr. W. C. WORDSWORTH: I may perhaps usefully say a word about discipline in colleges. I shall be brief and, I hope, discreet. One of the troubles of the moment is that there are too many men in authority who trust in time of emergency to letters and circulars, too little to personal influence. I have read a considerable number of letters that have passed between different people in the college troubles that have marked the last two or three years. What happens with some is that when trouble arises there is lacking the instinct to go and meet it. A Principal (not all Principals by any means but some Principals), instead of rushing to the trouble rushes to his room, takes up a piece of paper with the lion and unicorn on it and sits down to write a letter to the offending boy. Having read a certain number of letters of this kind and having had considerable experience in drafting Government letters I think I can reconstitute the sort of letter that would be written. He begins with writing in the left hand corner the reference 23456/U. B. D. He then proceeds (this I may say is a letter written by a 45-year old Principal to a 16-year old first year student):—

"I have the honour to inform you that it has just come to my knowledge that to-day the 15th instant at 11 a.m. or thereabouts at or adjoining the N. E. corner of the college compound you were heard to use language gravely derogatory to my position and dignity, to wit, that I am a silly ass or, in the alternative, an unintelligent donkey. I need hardly observe that to use this language of a revered teacher is not enjoined by the Sastras. On the contrary it is my painful duty to remind you that in the most recent recension of the Dharmasastra commonly called the Indian Penal Code, by sections 15, read with 231A and 397Z taken with Privy Council Judgment of the 23rd June, 1877, it is a serious offence punishable with fine or imprisonment, whichever is less, to apply this term of contempt to any member of the Indian Civil Service or to a member of any other superior service of not less than 20 years' standing.

In the circumstances, as I am entirely at a loss how to proceed in the matter, I must ask you to send me under affidavit and in triplicate your version of the affair, for submission to the Governing Body, the Director of Public Instruction and the Member for Education. On receipt of instructions from the last mentioned I shall in due course communicate with you further.

5-15 p.m.

I may add that I am sending a copy of this letter to your guardian, with the request that he will take steps to ensure that you feel for your

Principal that respect, reverence and affection which are your duty as a student and which you seem utterly unable to feel without external assistance.

I have the honour to be,

Yours obediently,"

(Hear, hear.)

After writing that letter and sending it he goes home to his lunch feeling that he has done a good day's work. He has written a letter and he has met an emergency in that way. And what more can be done? So the trouble continues. I have seen within the last few days copy of a letter written by a Principal—or rather copy of a statement made by a Principal—to his own students with whom he was temporarily at variance, that as he had already referred the matter to Writers' Buildings, it would not be possible for him to listen to their apology or regret or take any steps at all to resume work until he had received instructions. Now, why has this state of affairs come about in the minds of certain men? May I suggest that it can only be explained by certain facts in the history of the Education Department running back over the last 14 years. The beginning of disaster was when my predecessor at the Presidency College was removed from his Principalship and made to leave India in humiliation, because as a professional man he maintained that having been charged with responsibility he must be permitted to discharge it to the best of his ability and enlightenment. (Hear, hear). For that he was forced to retire. Of my immediate predecessor's immediate successor I wish to say nothing. It might embarrass you to hear of his virtues as it would embarrass me to speak of his vices. But since he was eliminated from the record there have been mysterious occurrences enough connected with the Presidency College, and I am told with other colleges to strengthen old suspicion and establish a belief that any man in responsible position who dares to behave as a professional man, who insists on being allowed to think for himself, and who objects to being forced to take orders on minute details from elsewhere, stands on his own dignity and principles at the risk of his career. That I think is the disaster of the present time. (Hear, hear.) You cannot damp the courage and responsibility of men year after year without something serious happening, and I would suggest to Government that the only way of administering the Education Department is to choose men for high authority carefully, and to give them full scope to use their capacities in the positions to which they are appointed. If they are not satisfactory, remove them at once; but if they are satisfactory, trust them and be thankful that they are doing the work and not throwing it back on Government's shoulders. (Hear, hear.) (Cheers).

Dr. NARESH CHANDRA SEN GUPTA: Mr. President, Sir, I think that Mr. Wordsworth has hit the nail right on the head with regard to one aspect of the problem, but there is another aspect of the problem which I wish to emphasize in this connexion, and which is altogether forgotton by most of those who have to deal with the difficult situations created by students' strikes. For instance, I was not at all surprised to hear Sir Jadunath Sarkar trying to shift the burden of responsibility for this state of affairs by suggesting that the students were at fault. Perhaps they were. I do not think that my friend, Mr. Syamaprasad Mookerjee, for one moment suggested that the students were in the right. And it is very probable that he, like myself, should think that even the initial blunder was on the side of the students. But that is not the question which we are discussing here. The question is whether the situation which was created by, let us say, wrongful acts of the students or by machinations of outsiders, has been handled by those who were responsible for the maintenance of discipline in colleges and for the welfare of students in a manner in which it ought to have been handled.

Sir, I am not speaking without some experience of these matters. I am not speaking as a politician or as an academic student of these affairs. I have had to handle situations like this as the head of a college at the time when the non-co-operation movement was at its height. Later on, I had the experience, as the head of a large institution of which the students were by no means docile, of dealing with such situations. And I think I may be trusted to speak with a certain amount of responsibility in the matter. I submit, Sir, that one of the reasons why these strikes take place, and the reason why they grow to such proportions, is the reason which has been suggested by Mr. Wordsworth. It is that the Principal of a college, when there is trouble, does not go out and meet the situation as a Principal ought to meet it. He contents himself with confining himself to a room and writing a letter or despatch, as suggested by Mr. Wordsworth. If Principals of colleges, heads of educational institutions and teachers knew that it was their duty—it was their function—not merely to lecture to the students for a certain number of hours, not merely to send up to the Director of Public Instruction a specified number of reports and returns, but to enter into the life of their students by becoming their friend, philosopher and guide, if they realised that situations like those which had arisen in the Calcutta colleges—I do not make any distinction in this respect between Government colleges and non-Government colleges, a distinction on which Sir Jadunath laid so much stress—could be dealt with by a sympathetic understanding and a feeling of commonness between Principals and professors of colleges and the students, then these things would not have taken place. We, Sir, are familiar with another atmosphere, and it strikes us that the atmosphere which we have had at Dacca is far better than the atmosphere which

we have in the Calcutta colleges. There, at any rate, the teachers and students have got so much sympathy with one another—they mix so freely with one another—that there cannot be room for any misunderstanding. And a tactful Principal can tide over the worst difficulties without raising the smallest flutter in the public press.

Sir, I am speaking of a time when the late Chittaranjan Das and Mahatma Gandhi went to Dacca, when non-co-operation was at its height. The students refused to attend on the Speech Day, presided over by the Governor, and the next day the students of the Dacca Law College did not go to their classes. A capital situation might have been created out of that. It might have led to a strike of all the students in Dacca, if at that moment we had lost our heads. But we did not. For one day no classes were held; on the second day the students were standing out; on the third day they came in to my classes, and that was because I did not trouble about iron discipline. I talked straight to them.

Sir, I am very loath to speak about my personal experiences in this way, but there are times when these must be told. And I must say that the experience which I had then and later on entitles me to say that so long as you let the students understand that you are their friend, that you will treat them sympathetically even if they do wrong, that you will protect them even if you may reprove them—if you create this friendly atmosphere—strikes in colleges would be absolutely impossible.

Sir, I must, I think, refer to another experience of mine. A strike occurs sometimes because the Principal of a college has punished a single student for a real or imaginary wrong. As a matter of fact, in some of the cases I know that the students were punished for wrongs which they actually committed, and forthwith the students went on strike. But I rusticated a boy from my Hall and not a word was said against me: on the contrary, the students sympathised with me. And why? Because the fundamental principle which I inculcated on my students there was that I was not myself going to keep discipline in my Hall, but I expected them to maintain it. No discipline is worth having if it is not founded upon one's own self-discipline. The students responded to my call magnificently. They did excellently, and so far as my experience of that University goes, neither I nor any other authority had any reason to regret the step. The remedy lies, Sir, not in mutual recrimination, not in trying to shift all your responsibility on the head of this, that, or any other person, but in realising the truth of the principle that you are to act as their friend, philosopher and guide—not as their task-masters, not as slave-drivers. If there is this change in outlook and if opportunities are created for the teachers and the students to mix with one another—I regret to say that there is a total absence of any effort in this direction in Calcutta—if opportunities are created for the Principal to know his

students and for making the studeuts feel that he is their friend and protector, I think the whole trouble will disappear. What do we find however when such trouble arises? At once the matter goes up to the highest rung of the ladder. It is no longer in the hands of the Principal. Even the Governing Body of a college, I understand, in a recent instance, was powerless to settle the strike on the basis of an honourable understanding. The Principal professes to be powerless: so Government must be moved. That is not the way to maintain discipline, and it is because of this that most of the troubles arise.

Sir, before I sit down I shall say only a word or two with regard to the other motion to which Sir Jadunath Sarkar attempted to give an answer. He proceeded to draw gruesome pictures of the disaster which must befall this country once the colleges are deprovincialised.

Sir JADUNATH SARKAR: On a point of personal explanation, Sir. I did not say at all that the deprovincialisation of the colleges is a policy which will have disastrous consequences, or that Bengali culture will disappear as a result of deprovincialisation. I simply said that if students' strikes are engineered by grown-up people who ought to know better, that would be the result.

5-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I am exactly going to deal with that matter. He thinks that if the mufassal colleges are deprovincialised, they must necessarily disappear and all discontent must necessarily follow. It is very difficult for me to imagine that Sir Jadunath Sarkar could not understand the meaning of the proposition for deprovincialisation and thought that it suggested that all support to these colleges must be stopped. That was not the idea of the mover of the motion. What the proposal means is this, that the responsibilities for the colleges as a whole should be transferred from the provincial Government to somebody else, not that funds should not be provided for the purpose but that funds should be made available for equitable distribution to all educational institutions, and not merely the funds which we can find at the present day, but as much funds as we can get hold of for the purposes of Government and non-Government colleges without distinction. I should not be prepared to deprive even the Government colleges. We want more money for the purpose of spending for the colleges, but not on the present basis of departmental expenditure on Government colleges on lines on which such a magnificent sum of Rs. 6,000 a year is granted to a college which, according to Sir Jadunath Sarkar, has deserved so well of the country as the one founded by Iswar Chandra Vidyasagar. We do not want that. We want a much more generous policy, a policy which will be shorn of all the prejudices

of departmentalism. All the money should be made available for the benefit of educational institutions. I think that is the principle which is indicated in the motion. Although I do not say that I accept the policy, I say that it is a policy which is well worth considering. I hope the Hon'ble Minister will not say anything in reply to the motion which will shut out consideration of this policy altogether.

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. A. J. Dash): Sir, I rise to offer some explanation in reply to certain motions by stating facts which are specially within my knowledge. The first motion which I propose to deal with is that of Khan Bahadur Maulvi Azizul Haque (No. 297) in which he moved a cut to draw attention to the failure to reorganise the superior educational services. The Khan Bahadur has in the course of his remarks observed that there has been a delay of five or six years, and he later increased that period to seven or eight years. Sir, I hope to convince you and this Council that in the first place the delay is not appreciable: it is certainly not so much as said by the Khan Bahadur. In the second place, I hope to show that the delay which has occurred is nevitable and also that it has done no appreciable harm. The difficulty in the wa of reorganisation of these services is, I think, peculiar to the Education Department, and the reason is the variety of the posts which have to be dealt with, and which have to be included in one uniform service with uniform conditions. These posts are about 60 in number and there are posts for men, posts for women, some administrative posts and many teaching posts for teaching various subjects, and I can assure the House that to devise uniform terms for the service comprising these diverse posts is a task of considerable difficulty. The solution of this problem really began in 1927, when orders from the Government of India were received by this Government. These orders gave particulars of the principles which would govern the structure of the new service, and the principles which were laid down for the protection of the rights of the existing Indian Educational Service officers. I have stated this fact, because I wish to disprove in the first place the contention of the Khan Bahadur that six or seven years rising to eight years has been the delay. The delay cannot exceed three years, because the instructions on which we were to act were only received in 1927. No further appreciable progress could be made until the end of the year 1927, when a conference between provincial representatives was held at Dacca in order to determine the general outline of the terms of pay which should suit not only this province but similar services in other provinces. It was, therefore, not possible till 1928 to proceed with the detailed work required, and in 1928 a decision was reached on rates of pay and other important matters connected with this service. In 1929 further progress was made, and it is expected that very soon a complete scheme will be ready. I wish,

before leaving this motion, to point out that very little administrative inconvenience has been caused on account of the failure to constitute this new service up to the present. As vacancies occur in the Indian Educational Service, they are filled either by temporary promotion of officers from the Bengal Educational Service or by the creation of temporary posts to which as far as possible the conditions determined for the new service are made to apply. Such arrangements render it convenient and possible, when the new service will be created, to draw the officers from these temporary posts into it, if it is found expedient. I submit, therefore, that very little inconvenience has been caused by the delay, and the delay which has actually occurred has been unavoidable. The file has caused everybody a great deal of work and I feel certain that everybody who has noted on it would claim that there would have been no delay at all, if all their recommendations had been accepted.

I now pass on to motion of Mr. S. K. Roy where the question has been raised about the foundation given by Kumar Basanta Kumar Roy of Dighapatiya for starting agricultural classes in connection with the Rajshahi College. The difficulty in this case is that a bequest has been offered to Government on certain terms, and these terms require that Government should abandon a definite policy that had already been accepted, that is to say, the will requires, or at any rate one of the clauses of the will requires, that agricultural classes should be opened in connection with the Rajshahi College. It has been the decision of Government that if any agricultural classes are to be started, they should be first started in connection with agricultural activities at Dacca. This difficulty has so far prevented Government from accepting the bequest, because the trustees are unwilling to allow Government to proceed to carry out the second and third clauses of the will and insist that the first clause should be adhered to, because they feel that adherence to that clause would more closely correspond to the wishes of the deceased. This department have fully recognised that, if possible, some agreement should be sought, and at present as the case stands, it is with the Principal of the college, who has been requested to see if he can devise a scheme in consultation with the trustees which will be in conformity with Government's policy. I have discussed the matter with the mover of this motion, and I have assured him that every effort would be made to devise a scheme, and the assistance of the Director of Agriculture will be available, if the Principal so desires it, in order to work out the scheme, and I hope he will not press the motion in view of the diligent attempts which are being made to work out a scheme which will be in conformity with his wishes and will yet enable Government to adhere to their policy.

Mr. Sarat Kumar Roy has also raised the question of increased fees in the Rajshahi College. In this connection I would point out that the scheme for teaching botany up to the I. Sc. standard in the Rajshahi College is part of one scheme with which is connected the scheme for

raising fees. The question of raising fees in the Rajshahi College has been under consideration for a very considerable time, and for some time the rates there were allowed to be very much lower than in other colleges. But the question of fee rates had to be considered on a provincial basis, and it was found that this anomaly at Rajshahi had produced difficulties in other colleges which depend to a great extent on fee rates. For this reason it has been proposed in this instance to raise the fees, and I may point out that owing to the shortage of funds it has not been possible to put forward a scheme for teaching botany up to the I. Sc. standard in this college, unless there is a corresponding income to be derived from some source or other. The rates of fees proposed, I admit, will give an income of Rs. 4,000 in excess of the actual expenditure to be incurred on account of the proposed course in botany, and in this connection I may point out that it is not reasonable to increase fees less than the proposed amount, because the object is to level up fees throughout the province in colleges for this particular science class. I assure the member who moved this motion that every consideration would be given in future schemes to the fact that not only in the past the expenditure in this college was much less than in other colleges and that many benefactions had been given to this college, but also to the fact that in this particular case fees have been raised for teaching botany up to the I. Sc. standard and a profit is expected on its working.

5-45 p.m.

I hope, therefore, that the mover will not press this motion and jeopardise the chance of increasing teaching facilities in botany which will be available by these classes up to the I. Sc. standard and join me in hoping that in future it will be possible to extend the teaching on the subject to higher classes.

Mr. SARAT KUMAR ROY: In view of the assurances given I beg to withdraw my motion.

Mr. PRESIDENT: Not at this stage, you should do so when we come to your motion.

Mr. W. H. THOMPSON: On a point of order, Sir. May I seek for a little more consideration for the ordinary member who is trying to follow the debate. Personally my mental digestion is quite incapable of following the discussion of so many diverse subjects. May I plead that in the rest of the budget discussion we may not have ice-cream, curry and rice and everything mixed together.

Mr. PRESIDENT: This is no doubt one side of the picture, but there is another side of it to which I might draw your attention. If I

ruled that one motion should be discussed at a time and no other relevant motion would be allowed to be taken up till the former has been disposed of, the result might be that all the time that is available under the time-table, or a considerable portion of it, may be devoted to that one subject, because it is not in the power of the Chair to stop members of the House if they want to speak on the subject. On the other hand, the Hon'ble Member or Minister in charge of the Department concerned, as the case may be, shall have to unnecessarily make many speeches. The result might be that instead of various motions being placed before the House by the movers thereof, only one or a few will be opened for discussion. But I will remember your request on occasions where it might be helpful.

MINISTER in charge of EDUCATION DEPARTMENT (TRANSFERRED) (the Hon'ble Mr. Khwaja Nazimuddin): Sir, in respect of motion No. 291 which was moved by Mr. Syamaprasad Mookerjee I would like to say that Government has always sympathetically considered the claims of the Calcutta University and always helped it when it came forward with request for financial assistance and it is incorrect to think that the attitude of the Government towards the Calcutta University is anything but sympathetic. As a matter of fact we are always ready to help the University, but the only thing that we want is that the Calcutta University must make out a good case for the proposals that it submits before Government. I do not think that Government can agree to the Calcutta University appearing in the roll of Cæsar's wife and sanction whatever sums of money it wants without examining the proposals in detail. As far as the temporary grant question is concerned I have already said, in the course of the budget discussion, that the case is being examined. We wrote to the University for further details and the reply from the University reached us only a few days ago. It is being examined and after we have decided what the amount should be for 1930-31 steps will be taken to come forward with a proposal for supplementary grant.

As regards the question of permanent grant the University Re-organisation Committee's Report has not reached us yet. It is now being considered by the University. After it has been considered and sent to us we will be in a position to decide what to do. At the present moment it is difficult for us to make any definite statement on that question.

We have already provided Rs. 3 lakhs in the budget for the Calcutta University. The question between the University and the Government is one regarding an additional claim of Rs. 2,25,000. According to the agreement made five years ago the University accepted Rs. 3 lakhs for five years and Mr. Mookerjee has pointed out, in his speech, that the University has carried on for five years without any deficit. So

Rs. 2,25,000 looks rather a large sum for one year. It is not apparent why so large a sum should be wanted by the University immediately and that is the reason why we are examining the proposal in detail. I hope that in view of this assurance the motion will be withdrawn.

The next motion (No. 294) was moved by Mr. Jatindralal Bannerjee. I am sure it is difficult to understand how Mr. Bannerjee, an educationist and a well informed person, has made such a *faux pas* as to consider that the Muslim Hall is a Hall of amusement. I am sure he knows that in a residential University, Colleges are often called Halls. For instance, the Trinity Hall in Cambridge is a full-fledged college but is called a Hall. Sir, the arguments in support of his motion were well met in this Council by Sir Jadunath Sarkar, Mr. Rahman and others. I think it is hardly necessary for me to add anything beyond what they have said. There is one thing, however, that I would like to say in this connection. There is a general idea of distrust and suspicion about the Dacca University. The Dacca University is entirely different from the Calcutta University—one being residential and the other an affiliating University responsible for Matriculation, Intermediate, and B.A. Examinations. It cannot be denied that in a province like Bengal there is room for two Universities. I would request the members of this Council to visit the Dacca University whenever possible and see how the work is being carried on there. It has got splendid opportunities, a fine staff, and a new system of imparting education in the shape of Residential University and Tutorial classes which are not to be found in many places in India. I am sure a visit to Dacca will change the views of a large number of people in this Council as to the work that is being done by the University.

Mr. SYAMAPRASAD MOOKERJEE: Sir, may I ask the Hon'ble Minister if he has ever visited the Calcutta University?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I may say that I have attended the convocation of the Calcutta University.

The next point I would like to reply to is the question of deprovincialisation of Government arts colleges. The main argument that has been put forward in support of deprovincialisation is based on the fact that if the Government colleges are deprovincialised the savings effected may be utilised for giving more grants to the aided and private colleges. That is theoretically quite true, but if we examine the proposal in detail it will be found that the main cause of the very large expenditure in Government colleges is on account of salaries that are being paid to lecturers and professors. On the other hand in private colleges the scale of salary is very low. I believe the average given by Mr. Jatindralal Bannerjee or some other speaker was Rs. 133 per teacher. We

claim that we are not paying too much to teachers of Government arts colleges. On the other hand there is a demand that the scale of salary in non-Government colleges should be raised. So if we deprovincialise there will be no appreciable saving for at least ten years because those people who are already in service have got to be paid on the same scale of pay which they are drawing now and will draw till they retire. So actually the saving on the part of Government by deprovincialisation will be infinitely small for the next ten years. On the other hand if we deprovincialise and do not give increased grants to aided colleges then there will be an outcry and Government will be severely criticised. According to the present financial position, for at least two years more it cannot be conceived that any very substantial aid can be given to aided colleges. Therefore, the move for deprovincialisation is, I think, extremely inadvisable.

As regards the policy of doing away with Government colleges—that question has been dealt with both by Khan Bahadur Maulvi Azizul Haque and Sir Jadunath Sarkar. I think the points raised in their speeches are important and require deep consideration. It will not be possible for Government to lightly pass them over, first there is the practical disadvantage and second there is the interest of the people who will be affected on account of deprovincialisation of Government arts colleges. Therefore we cannot accept the idea of deprovincialisation.

[Here the time-limit under the head "31.—Education (Transferred)" having been reached the Hon'ble Minister resumed his seat.]

The following motion of Mr. Syamaprasad Mookerjee was, by leave of the Council, withdrawn:—

"That the demand of Rs. 4,43,734 under the head '31A.—Education (Transferred)—University—Calcutta University' be reduced by Re. 1."

The following motions were then put and lost:—

"That the demand of Rs. 4,30,000 under the head '31A.—Education (Transferred) (Dacca University)' be reduced by Rs. 3,90,000."

"That the demand of Rs. 4,30,000 under the head '31A.—Education (Transferred)—University (non-recurring grants to the Dacca University)' be reduced by Rs. 100 (to ask whether the Government proposes to hand over the balance of the money received from the Imperial Government to the authorities of the Dacca University to constitute a fund for its future development)."

"That the demand of Rs. 11,11,200 under the head '31A.—Education (Transferred)—University—Government Arts Colleges—Teaching Staff' be reduced by Rs. 200 (for the failure to reorganise the Superior Educational Services)."

"That the demand of Rs. 10,000 under the head '31A.—Education (Transferred) — University — Government Arts Colleges — Boarding Charges' be reduced by Rs. 100 (for failure of Government to provide Hostel accommodation for Mussalman students in all Government Arts Colleges)."

6 p.m.

The following motion of Mr. Sarat Kumar Roy was, by leave of the Council, withdrawn:—

"That the demand of Rs. 9,128 under the head '31A.—Education (Transferred)—University—Government Arts Colleges—Provision for the affiliation of the Rajshahi College in Botany up to the I. Sc. standard' be reduced by Re. 1 (to raise a discussion on the Kumar Basanta Kumar Ray of Dighapatia foundation for starting Agricultural classes in connection with the Rajshahi College and on the policy of Government regarding the same College)."

The following motions were then put and lost:—

"That the demand of Rs. 14,85,000 under the head '31A.—Education (Transferred)—University—Government Arts Colleges' be reduced by Rs. 8,000 (to raise a protest against the scheme for raising the fee rates in the Science classes of the Rajshahi College)."

"That the demand of Rs. 14,85,000 under the head '31A.—Education (Transferred) (Government Arts Colleges)' be reduced by Rs. 100 (to raise a discussion on the necessity or otherwise of having Government Arts Colleges)."

"That the demand of Rs. 14,85,000 under the head '31A.—Education (Transferred)—University—Government Arts Colleges' be reduced by Re. 1 (to raise a discussion about the policy of Government towards higher education and the inadequacy of grants towards private colleges)."

The motion that the demand of Rs. 14,85,000 under the head "31A.—Education (Transferred)—University—Government Arts Colleges" be reduced by Re. 1 was then put and a division taken with the following result:—

AYES.

Ahmad, Maulvi Shamsuddin.
Ali, Maulvi Hasan.
Bakeh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Das, Rai Bahadur Kamini Kumar.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazlul.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.

Lal Muhammed, Haji.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Haseni.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Salleswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Bal, Mr. Sarat Chandra.
Banarji, Rai Bahadur Keshab Chandra.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Maulvi Abdul Chani.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Bassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman
Marr, the Hon'ble Mr. A.
Mitter the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, the Hon'ble Kumar Shib Shekhareswar.
Rose, Mr. G. F.
Rushforth, Mr. F. V.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 42 and the Noes 45 the motion was lost.

The motion that a sum of Rs. 1,24,00,000 be granted for expenditure under the head "31.—Education (Transferred)" was then put and agreed to.

The time-limit having been reached the following motions under the head "31.—Education (Transferred)" were not put:—

Babu NARENDRA KUMAR BASU: "That the demand of Rs. 14,85,000 under the head '31A.—Education (Transferred)—University—Government Arts Colleges' be reduced by Re. 1."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,52,000 under the head '31A.—Education (Transferred)—Recurring grants to non-Government Arts Colleges' be reduced by Rs. 1,76,000."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,52,000 under the head '31A.—Education (Transferred) (recurring grants to non-Government Arts Colleges)' be reduced by Rs. 100 (to discuss the principle guiding the distribution of such grants)."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 4,20,000 under the head '31A.—Education (Transferred) (Grants to non-Government Arts Colleges)' be reduced by Rs. 13,476."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 4,20,000 under the head '31A.—Education (Transferred)—Grants to non-Government Arts Colleges' be reduced by Re. 1."

Rai SATISH CHANDRA MUKHARJI Bahadur: "That the demand of Rs. 31,95,000 under the head '31A.—Education (Transferred)—University' be reduced by Rs. 100."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 31,95,000 under the head '31A.—Education (Transferred)—University' be reduced by Re. 1."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 10,70,000 under the head '31B.—Education (Transferred)—Secondary—Pay of officers' be reduced by Rs. 1,000 (to express dissatisfaction at the failure of the Government to establish a High School in Calcutta for the education of Muslim girls)."

Maulvi ABDUL KARIM: "That the demand of Rs. 10,70,000 under the head '31B.—Education (Transferred)—Pay of officers' be reduced by Rs. 5 (to raise question of deprovincialisation of Government Secondary Schools, so that funds may be available for giving adequate grants to non-Government Secondary Schools)."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 13,44,613 under the head '31B.—Education (Transferred)—Government Secondary Schools' be reduced by Rs. 100."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 13,45,000 under the head '31B.—Education (Transferred)—Government Secondary Schools' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 11,430 under the head '31B.—Education—Secondary School grant to Bandar High English School' be reduced by Rs. 30 (to inquire into the policy in the distribution of such grants)."

Mr. SARAT KUMAR ROY: "That the demand of Rs. 1,825 under the head '31B.—Education (Transferred)—Secondary—Grants to non-Government Secondary Schools—Grant to the Boalia Mission Girls' School at Rajshahi towards the purchase of a motor bus' be reduced by Re. 1 (to raise a discussion on the desirability of giving similar grants to the sister institution, Raja P. N. Ray Girls' School at Rajshahi)."

Mr. W. C. WORDSWORTH: "That the provision of Rs. 15,77,000 under the head '31B.—Direct grant to non-Government Secondary Schools' be reduced by Re. 1 (to ask for information about future policy regarding non-Government girls' schools)."

Maulvi ABDUL KARIM: "That the demand of Rs. 15,77,000 under the head '31B.—Education (Transferred)—Secondary—Direct grants to non-Government Secondary Schools' be reduced by Re. 1 (to draw attention to the inadequacy of provision for the education of Muslim girls)."

Babu SATYENDRA NATH ROY: "That the demand for Rs. 15,77,000 under the head '31.—Education—Secondary—Direct grants to non-Government Secondary Schools' be reduced by Re. 1 (to raise a discussion on the policy of Government regarding the insufficient allotment)."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 15,77,000 under the head '31B.—Education (Transferred)—Direct grants to non-Government Secondary Schools' be reduced by Re. 1."

Mr. P. N. GUHA: "That the demand of Rs. 29,22,000 under the head '31B.—Education (Transferred)—Secondary' be reduced by Rs. 100 (to raise the question of the policy of the education for females)."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 29,22,000 under the head '31B.—Education (Transferred)—Secondary Schools' be reduced by Re. 1."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 29,22,000 under the head '31B.—Education (Transferred)—Secondary' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 15,500 under the head '31C.—Education—Primary Schools—as grant to Widows' Home, Dacca' be refused."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 13,212 under the head '31C.—Education (Transferred)—Primary Schools—Grant to Chetla Girls' School' be refused."

Dr. AMULYA RATAN GHOSH: "That the demand of Rs. 4,33,000 under the head '31C.—Primary Education—Direct grants to non-Government Primary Schools' be reduced by Rs. 100."

Dr. AMULYA RATAN GHOSH: "That the demand of Rs. 22,88,000 under the head '31C.—Primary Education—Grants to local bodies' be reduced by Rs. 100 (on the ground that this Council considers that this sum is quite inadequate for the purposes of imparting primary education to the village boys and girls of Bengal especially of Howrah and for not providing and granting aids for the establishment and improvement of the girls' schools of Howrah and Bally)."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 22,88,000 under the head '31C.– Education (Transferred)—Primary —Grants to Local Bodies for Primary Education' be reduced by Rs. 5 (to discuss the general policy in regard to the grants to the local bodies for Primary Education)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 22,88,000 under the head '31C.—Education (Transferred)—Grants to Local Bodies for Primary Education' be reduced by Re. 1 (insufficiency of the grant and policy)."

Maulvi ABDUL KARIM: "That the demand of Rs. 22,88,000 under the head '31C. Education (Transferred)—Primary—Grants to Local Bodies for Primary Education' be reduced by Re. 1 (to draw attention to the inadequacy of the grant)."

Kazi EMDADUL HOQUE: "That the demand of Rs. 22,88,000 under the head '31C.—Education (Transferred)—Primary—Grants to Local Bodies for Primary Education' be reduced by Re. 1 (inadequacy of grant)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Rs. 1,000 (to disapprove of the delay in introducing Free and Primary Education in the Province)."

Mr. P. N. GUHA: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Rs. 100 (to raise a discussion about the policy of Primary Education)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Rs. 100 (to criticise the curriculum of studies in vogue in primary schools)."

Maulvi ABDUL KARIM: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Rs. 5 (to discuss the delay in introducing free and compulsory Primary Education)."

Kazi EMDADUL HOQUE: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1 (apathy in matter of primary education and primary school teachers)."

Khan Sahib Maulvi MUAZZAM ALI KHAN: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1 (to raise a discussion on the attitude of Government towards Primary Education and to press for the introduction of free and compulsory Primary Education at an early date)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 27,29,000 under the head '31.—Education (Transferred)—Primary' be reduced by Re. 1 (unsatisfactory policy towards introduction of Primary Education and the inadequacy of grants)."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary Education' be reduced by Re. 1."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 27,29,000 under the head '31C.—Education (Transferred)—Primary' be reduced by Re. 1."

Mr. S. M. BOSE: "That the demand of Rs. 1,91,000 under the head '31D.—Education (Transferred)—Special—Training Schools' be reduced by Rs. 10 (to discuss the policy of Government regarding women's training schools and colleges)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 4,19,000 under the head '31D.—Education (Transferred)—Special—Guru-Training Schools' be reduced by Rs. 100 (to draw attention to the inadequacy of the provision for training teachers for the large number of muktabs in the Province)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,42,000 under the head '31D.—Education (Transferred)—Special—Madrassahs—Pay of Principal and other Teaching Staff' be reduced by Rs. 100 (on the ground that the Principal of the Calcutta Madrassah failed to spend the money allotted in the current year's budget for the Moslem Institute, Calcutta)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,42,000 under the head '31D.—Education (Transferred)—Special—Madrassah—Pay of Officers' be reduced by Rs. 100 (as a protest against the Principal, Calcutta Madrassah, and *ex-officio* President of the Moslem Institute, for allowing the provision made in the last Budget for the construction of the Moslem Institute Building in Calcutta to lapse)."

Maulvi ABDUL KARIM: "That the demand of Rs. 1,42,000 under the head '31D.—Education (Transferred)—Special Madrassahs—Pay of Officers' be reduced by Rs. 5 (to discuss the defects in the administration of the Calcutta Madrassah and the desirability of amalgamating the post of the Principal with that of the Islamia College)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 1,86,000 under the head '31D.—Education (Transferred)—Special Madrassahs' be reduced by Re. 1."

Rai Bahadur SATISH CHANDRA MUKHERJI: "That the demand of Rs. 15,600 under the head '31D.—Education (Transferred)—Special Zenana Classes—Governesses' be reduced by Rs. 100."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 10,65,574 under the head '31D.—Education (Transferred)—Government Special Schools' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 2,24,600 under the head '31D.—Education (Transferred)—Special—Direct grant to non-Government special schools—Madrassahs' be reduced by Rs. 100 (to protest against the inadequacy of the grant and for the failure to provide more money)."

Rai Bahadur SATISH CHANDRA MUKHERJI: "That the demand of Rs. 30,000 under the head '31D.—Education (Transferred)—Special—Direct grant to non-Government special schools—Tols' be reduced by Rs. 100."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 3,44,000 under the head '31D.—Education (Transferred)—Direct grants to non-Government special schools' be reduced by Rs. 100 (to call attention to the inadequacy of the grants for tols."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 3,44,000 under the head '31D.—Education (Transferred)—Special—Direct grant to non-Government special schools be reduced by Rs. 100 (to draw attention to the inadequacy of the grant provided for Madrassahs)."

Maulvi ABDUL KARIM: "That the demand of Rs. 3,44,000 under he head '31D.—Education (Transferred)—Special—Direct grants to on-Government special schools—Madrassahs' be reduced by Re. 1 (to how the inadequacy of grants for Madrassahs)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of s. 14,10,000 under the head '31D.—Education (Transferred)—pecial' be reduced by Re. 1."

Maulvi ABDUL KARIM: "That the demand of Rs. 1,05,180 under he head '31E.—Education (Transferred)—General—Direction—Pay f establishment' be reduced by Rs. 5 (to discuss the desirability of eduction in the staff of the office of the Director of Public Instruction)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of s. 1,52,000 under the head '31E.—Education (Transferred)—General -Direction' be reduced by Re. 1."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 12,47,000 nder the head '31E.—Education (Transferred)—General—Inspec-on' be reduced by Rs. 12,00,000."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of s. 12,47,000 under the head '31E.—Education (Transferred)—eneral—Inspection' be reduced by Rs. 5,000 (as a protest against the olicy for not making provision for the appointment of female Anglo-ersian or Anglo-Arabic teachers in girls' high English schools and olleges in Bengal, especially in Khashtagir Girls' School at Chitta-ong)."

Maulvi ABDUL KARIM: "That the demand of Rs. 12,47,000 nder the head '31E.—Education (Transferred)—General—Inspec-ion' be reduced by Rs. 10 (to show the undesirability of having a large umber of higher Inspecting officers and to criticise the qualifications f some of the Special officers)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 12,47,000 under the head '31E.—Education (Transferred)—eneral—Inspection' be reduced by Re. 1."

Mr. B. C. CHATTERJEE: "That the demand of Rs. 36,000 under he head '31E.—Education (Transferred)—General—Scholarships (in pecial schools other than training schools)' be reduced by Rs. 100 (to raw the attention of the Minister for Education to the desirability of overnment devoting a sum of Rs. 25,000 annually to the training of 0 Bengali boys in the Dehra Dun Military Training College)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 3,08,000 under the head '31E.—Education (Transferred)—General—Scholarships' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 35,358 under the head '31E.—Education (Transferred)—General—Miscellaneous—Allowances, etc.' be reduced by Rs. 100 (to record that the Council strongly disapproves of the policy to make secondary education still more expensive by the proposal of a fresh levy of a fee of Re. 1-8 per annum for the medical examination and supervision of students in Government High Schools and Senior Madrassahs)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 21,39,000 under the head '31E.—Education (Transferred)—General' be reduced by Rs. 100 [as a protest against the policy of Government for not providing sufficient number of girls' schools in Bengal (high and secondary) and also for not yet raising the Sakhawat Memorial Girls' School to the status of a high English school for Moslem girls in Calcutta]."

Babu JITENDRALAL BANNERJEE: "That the demand of Rs. 21,39,000 under the head '31E.—Education (Transferred)—General' be reduced by Rs. 100."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 21,39,000 under the head '31E.—Education (Transferred)—General' be reduced by Re. 1."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Rs. 20,000 (as a protest against the failure of Government for not providing sufficient hostel accommodation for Moslem students in schools and colleges in Bengal, specially in Noakhali, Feni, Comilla and Chittagong)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Rs. 1,000 (on the ground that the Muhammadan community has immensely suffered under the present system of education and the administration of the department)."

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1 (to draw attention to the inadequacy of the provision for educational needs of the province)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Rs. 100 (on the ground that the department failed to spend the money allotted for the Muslim Institute, Calcutta, in the current year's budget)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Rs. 100 (to express disapproval of the policy in the construction of the Moslem Institute Building, Calcutta, for which provision was made in the last Budget)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1 (as a protest against the policy in allowing the provision made in the last Budget for the construction of the Moslem Institute Building in Calcutta, to lapse)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1 (unfair distribution and special favour to some communities or classes ignoring the just claims of others)."

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1."

Mr. MUKUNDA BEHARI MULLICK: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1 (general policy with reference to backward classes)."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 1,24,00,000 under the head '31.—Education (Transferred)' be reduced by Re. 1."

6-15 p.m.

32.—Medical.

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 48,59,000 be granted for expenditure under the head "32.—Medical."

This demand covers the expenses, both voted and non-voted, under "Medical establishment" Rs. 8,72,000, "Hospitals and dispensaries" Rs. 26,02,000, "Grants-in-aid for medical purposes" Rs. 3,09,000, "Medical college and schools" Rs. 12,96,000, "Mental hospitals" Rs. 7,38,000 and "Miscellaneous" Rs. 1,67,000. The head "Medical establishment" does not require much explanation for it only provides for the salary and other incidental expenses of the head "Office establishment" and officers employed as Civil Surgeons and subordinate district medical officers. Salary of the I. M. S. officers employed under this head is a non-voted item. But we now employ a very few of them as Civil Surgeons under this head. The number of posts reserved for I. M. S. officers employed in Bengal is now limited to 17. Of them though 13 are to be employed as Civil Surgeons, it has been found very difficult to do so in actual practice, for at present a number larger than that allotted have to be employed in the Medical College. Most of them are specialists, and it is not easy to replace them. But every endeavour would be made to release as many as possible from the Medical College, their posts, if necessary, being filled up by direct appointment of specialists from the independent medical profession. Owing to a dearth of I. M. S. officers for district employment a large number of Assistant Surgeons are now acting as Civil Surgeons, and I am glad to say that they are discharging their duties quite satisfactorily.

The Assistant Surgeons who are mostly graduates of our University are a body of very efficient men, and it pains me most to observe, in passing, that the British Medical Council should have thought it fit to refuse recognition to our graduates. The Ministry in the Medical and Public Health Department cannot accept it as the final verdict, and I assure the House that this Ministry will do all that lies in its power to have the decision rescinded. Then, Sir, the question of the recruitment of Assistant and Sub-Assistant Surgeons is a subject which is seriously engaging the attention of the Government. I hope it will be possible for the Government, during the course of the year, to frame definite rules of recruitment which will try to remove all legitimate grievances of the candidates in the matter.

"Hospitals and dispensaries" is the next sub-head, and the demand under it amounts to more than half the demand under the major head.

"Pay of establishment" amounts to about Rs. 7,40,000, supplies, etc., cost about Rs. 13,00,000, and grants-in-aid to private hospitals about Rs. 4,91,000.

Hospitals and dispensaries entirely maintained by the State number 75 and those partly by the local bodies number 700. Private hospitals, etc., including those maintained by the railways number 352. The total number of patients treated amount to about 62,75,000. The number of patients visiting hospitals, both male and female, is steadily on the

increase. This shows the increasing popularity of the hospitals, but we require more hospitals to render help to the suffering public of Bengal. The Government are doing all that is possible with their depleted coffers and I appeal to the generous public to come to our help to minister to the needs of our distressed countrymen. In this connection I should mention the name of Babu Girindra Nath Ray who has recently paid Rs. 50,000 to the Calcutta Medical Institute, of Babu Rambullubh Nandan, who has made over Rs. 45,000 for a dispensary at Bansberia in Hooghly and of the late Lord Cable who has bequeathed Rs. 3 lakhs to the Presidency General Hospital. We have a magnificent hospital ready for occupation for female patients at the Medical College with room for 38 additional patients, but want of funds stands in our way of opening it.

Our grants-in-aid to private hospitals for the next year amount to Rs. 4,91,000 and exceed the current budget by about Rs. 1,30,000. The details of these grants are to be found in page 71 of the grey book. Most of these grants are of a recurring nature, and made after a careful consideration of each individual case.

The main difficulty experienced in connection with the hospitals has been the want of qualified nurses. With the development of hospitals the question of nurses has become a serious one. So far, the Government have not tackled the question seriously. The thanks of the Government are due to the authorities of the Calcutta Hospital Nurses Institute to whom the matter has been left. They arrange for the nursing in the Medical College and the Presidency General hospitals. This is a voluntary organization, and the cost of its upkeep is mostly provided by the European community of Calcutta. From the current year this Institute has very kindly undertaken to train some Indian girls as senior nurses, but unfortunately Indian ladies of the proper type do not seem to be eager to take up nursing as a profession. The Government can hardly neglect the question of nursing any longer, and so long as a workable scheme for the training of Indian nurses, both male and female, is not devised and worked out, it would be necessary to augment the resources of the Calcutta Nurses' Institute.

Then, Sir, come our grants for medical purposes which amount to Rs. 3,09,000. The details of these grants will be found in page 72 of the grey book and include Rs. 1,50,000 for Jatiya Ayurbignan Parishad. There is a feeling in the country that we are neglecting the Carmichael Medical College. This is not so. No Indian Minister in charge of the Medical Department can fail to feel proud of the Carmichael Medical College. This is a private medical college built up by a self-sacrificing band of eminent physicians and surgeons of Calcutta: a casual visit to this institution would convince any one what wonderful achievements a well-organised philanthropic private enterprise is capable of attaining. Apart from the noble founders and other great workers who are

gone, Sir Nilratan Sarcar as President and Dr. Kedar Nath Das as Principal with a host of selfless workers are even now working wonders there. The Government of Bengal have not lagged behind in fully appreciating their services. Up till now we have paid Rs. 10,10,000 to this College, and we make an annual grant of Rs. 50,000 towards the current expenditure of the College and its attached hospitals. And when it will be possible for the college authorities to expand the College and the Hospital, the Government will surely make a fair contribution as a capital grant. The College certainly deserves a more liberal financial support from the Government, but in spite of best intentions our ability depends on the state of our finance and the nature of other similar calls on our resources.

Sir, we now come to the Medical College and schools maintained by us. They cost us Rs. 12,96,000. There have been no remarkable changes in the expenses of our Medical College. For the first time in its history one Indian has been placed at the head of this institution, and it is earnestly hoped that he will vindicate this selection by ably shouldering the very grave responsibilities of the post. A Committee was appointed by the Government to report on the re-organization of the teaching arrangements of the College. Its report is now under the consideration of the Government, and an effort will be made during the ensuing year to give effect to such of the recommendations as are approved by the Government and permitted by the funds available. Besides the Medical College, the School of Tropical Medicine and Hygiene and the Campbell Medical School in Calcutta three other medical schools in the mufassal are maintained by the Government.

The House is perhaps aware that a Medical School Committee was appointed in 1923, and in pursuance of its recommendations Government have undertaken to gradually open medical schools in Jalpaiguri, Chittagong, Berhampore, Barisal and Chinsurah. The Jalpaiguri School will commence its session from July next, and if our expectations do materialize, we hope to start the Chittagong School too in July.

(At this stage the Council adjourned for 15 minutes for prayer.)

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, as I had been saying, the whole policy of opening new Government schools, however, require to be re-examined in view of our experiences in the past few years. The three private medical schools—the Calcutta Medical Institute the National Medical Institute and the Bankura Medical School are doing very well and are being run much more economically than the Government schools. This must be so, for the Government schools are meant to be models and we are never chary in our expenses to make them so. The question that now presents itself to the Government is whether there is any necessity of having further model schools

or whether the money thus saved could not be more usefully utilized by encouraging the establishment of more private medical schools like those at Bankura and Calcutta.

Lastly, Sir, I come to the mental hospitals. The major portion of the demand is paid to the Government of Bihar and Orissa as our share of the cost of maintenance of the mental hospitals at Ranchi and we have nothing to do with their internal management. Reports that have reached us speak highly of the arrangements there and complaints from Bengal patients are of rare occurrence.

Sir, I have tried to give a brief statement of our activities in the Medical Department. There is much to be done here but they must perforce be left undone for want of funds. But this cannot now be helped.

I commend my notion to the acceptance of the House.

6-45 p.m.

Mr. PRESIDENT: I propose to have one discussion on motions Nos. 380, 381 and 382, and I take it that there is no objection.

The following motion was called but not moved:—

Kazi EMDADUL HOQUE: "That the demand of Rs. 6,30,500 under the head '32A.—Medical establishment' be refused."

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 6,30,500 under the head "32A.—Medical establishment" be reduced by Re. 1. (No provision for the establishment of a sanatorium for tuberculosis patients.)

Sir, the object of my motion is this that the scourge of tuberculosis is spreading like wild fire throughout the length and breadth of this province, and, so far as I can gather, there has been very little done by the Government to prevent the spread or to stop and check this disease. In order to convince the intensity of the disease I quote some figures. The number of deaths from this disease is gradually increasing year after year. The mortality rate from this cause alone was, in 1927, 100·0 per cent. more than what was in 1921. From the report of the Public Health Department, Government of Bengal, it will be seen that "the number of deaths from this disease appears to be gradually increasing year after year since the time such deaths are being separately registered. A more accurate registration explains the rise to a certain extent only. The mortality rate from this cause showed an excess of 100·0 per cent. over that in 1921, and of 6·7 per cent. over the previous year. Similarly the excess in all towns, Calcutta and rural areas was 38·4, 9·5 and 200·0 per cent. and ·8, 3·2 and 12·5 per cent. as compared with 1921 and 1926, respectively. The death rate in towns was thirteen times as high

as in rural areas. Seventeen towns did not report any death from phthisis. Kurseong reported the highest death rate, 3·6 per mille; Darjeeling, 3·3 per mille; and Calcutta, 2·5 per mille. Five towns recorded rates between 1 and 2 per mille, 88 others between 1 and ·1 per mille, and the remaining 3 below ·1 per mille. Tuberculosis accounted for 23·3 per cent. of deaths from respiratory diseases and ·65 per cent of the total mortality.

"The crude death rates from phthisis were higher in the Presidency and Burdwan Divisions than in the other three. The rates in 1927 exceeded those in 1926 in all the divisions except Chittagong. The proportion borne by tuberculosis deaths to deaths due to respiratory diseases was highest in Rajshahi and lowest in Burdwan. Compared with the previous year it showed an increase in Burdwan, Presidency and Rajshahi Divisions and a reduction in Dacca and Chittagong. About half the total deaths in the province due to tuberculosis occurred in the Presidency Division, one-fourth in Burdwan, and the remaining one-fourth in Rajshahi, Dacca and Chittagong Divisions taken together."

Sir, there were over one lakh of deaths in Bengal from tuberculosis in 1928. The number of deaths of over one lakh of people from a disease is really startling; 60,000 of this number were between the ages of 15 and 45 years, the most useful period of life. Each one of these men and women was sick for at least 300 days before he or she died. If the average daily production was Re. 1, the total loss in production alone was over Rs. 18 millions. This I have gathered from the report of the Bengal Anti-Tuberculosis Association. Sir, from these figures I beg to draw the attention of members of this House through you to the appalling death rate in Bengal from this disease, and in this connection we should see how far Government has been doing to check the high mortality that is prevailing in this province. What have the Government done to ameliorate the pitiful condition of the large number of citizens of whose health and life it professes to be the custodian? On a perusal of its budget even a cursory observer will be sorely disappointed to find that not a single rupee has been spent or is proposed to be spent on this very vital question. Sir, Bihar has got her own sanatorium, United Provinces has got her own, and likewise Bombay, Madras and other provinces can boast of their own sanatoriums, but my head hangs down in shame to mention here that Bengal has none of the sort to minister to her dying sons and daughters, except the one we have heard of at Jadabpur with only 8 beds. Bengal is losing the cream of her early manhood and womanhood largely because of the lack of a properly equipped sanatorium, and for the want of Government sympathy towards the mitigation of this sore grievance of the public. Owing to this disease the flowers of Bengal are daily languishing and fading away. For the sake of humanity Government ought to have taken steps long long before.

As regards the spread of the disease, I beg to suggest something which will be of benefit to the public. The boys and girls who attend the schools do not know who amongst them have the bacillus in their system, the teachers also are unaware of this fact, the students sit together, eat together and drink from the same glass, and if even one amongst the whole lot be suffering from the disease, he may be the source of infecting others. It is certainly bad enough to allow all the students to use one glass; in the examination halls also this is the practice. Instructions ought to be given to discontinue this practice altogether. In the libraries of the courts such instructions should also be circulated and better arrangements made. The various hotels and *sherbet* shops are also places where this infection is carried from one man to the other, as the utensils used by one affected with the disease are used by others in good health. Money should be allotted for educative propaganda of an intensive and extensive nature throughout the length and breadth of the province and every facility should be given to the Department of Public Health to make every possible effort to check the spread of this terrible disease. So far as the Report is concerned I could not find any mention of the fact that the department has made much endeavour to that end. The sufferers from this disease experience awful difficulty in securing a bed in the sanatoriums outside Bengal. Their applications are very shabbily treated by the authorities of those sanatoriums and preference is always given to the residents of those provinces first and the Bengalis are asked to wait. In the hope of getting an admission into the sanatoriums these poor sufferers wait and wait until the span of their life is shortened beyond hope, and in that stage even if an admission is given, it gives them no advantage. The authorities of Dharampore and Bhowali sanatoriums tell the Bengali sufferers frankly that the Government of Bengal has not contributed a single farthing to these institutions although appeals for help were made to the Government as well as to the eminent public men of the province. Such is the hard lot of the Bengalis outside their province. Failing to get admission into these sanatoriums, they stay in rented houses on the hills at an enormous cost, and many of them die there before their opportunity comes for an admission.

Sir, the disease may be classed into three stages:—

(*1*) the stage when the disease is not at all manifest;

(*2*) the stage when there is reasonable ground for suspicion; and

(*3*) the stage when the disease is declared.

The first stage requires that the person should be removed to a good healthy place with good food and under good hygienic conditions.

In order to give this facility arrangements should be made in the rural districts of Bengal, lands should be acquired for the purpose and

small huts or bungalows should be constructed where these persons can be accommodated at a nominal cost, the persons may earn their livelihood in these areas by farming, cultivation and the like. This scheme can be very well materialised if co-operation is sought of the Anti-Malarial Co-operative Society of Bengal which has no less than 2,000 centres in the Province. Sir, these anti-malarial societies have done such good work in the Province that credit must be given to them for driving away malaria and kala-azar from the Province. Although I admit that Government also helps in the matter to the best of its ability, I say that the people have now shown what they can do by means of co-operation.

Mr. PRESIDENT: How far are you from the end?

Dr. AMULYA RATAN GHOSE: Another 5 or 10 minutes.

Mr. PRESIDENT: You may speak to-morrow. I will adjourn the meeting now.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 27th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 27th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 106 nominated and elected members.

Starred questions

(to which oral answers were given.)

Holidays in the office of the Conservator of Forests.

***109. Maulvi SYED NAUSHER ALI:** (*a*) Will the Hon'ble Member in charge of the Revenue (Forest) Department be pleased to state whether it is a fact that clerks in the office of the Conservator of Forests are not allowed to enjoy the Durga Puja and Xmas holidays?

(*b*) Is it a fact that the clerks in the said office are not granted even casual leave for over two days without the production of a medical certificate?

(*c*) Is it a fact that during the last Durga Puja holidays some Hindu clerks were compelled to attend office and were refused permission to go to Kalighat to perform the *puja* even on the most important days of the festival?

MEMBER in charge of REVENUE (FOREST) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) No; but owing to pressure of urgent work it is not always possible to allow all the clerks to avail themselves of the holidays in full.

(*b*) This practice has been followed with a view to prevent abuse of the privilege of casual leave.

(*c*) The office had to be kept open for urgent work until 12th October, but only one clerk asked for permission to go to Kalighat to perform the *puja* and it was not refused.

Distress in the Eastern Mymensingh district.

*110. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that about 90 per cent. of the tenants of the Eastern Mymensingh district comprising the Sadar, Kishoreganj and Netrokona subdivisions, have stopped paying rents and cesses?

(*b*) Is it a fact that many of the landholders defaulted in paying the cesses at the last January kist?

(*c*) Is it a fact that the middle class people have been very hard hit and are living on starvation diet with large families?

(*d*) Are the Government aware of a feeling that exists that a very acute state in this widespread distress is likely to be reached in the very near future?

(*e*) If the answers to (*a*), (*b*), (*c*) and (*d*) are in the affirmative, will the Hon'ble Member be pleased to state what action the Government is contemplating taking in the matter?

(*f*) Will the Hon'ble Member be pleased to state—

(*i*) the number of applications for loan;

(*ii*) the number of applications for the remission of revenue which have come to the notice of the Collector;

(*iii*) what relief, if any, has been extended in these cases; and

(*iv*) whether it is in the contemplation of the Government to postpone the collection of revenue and cess till at least September next for partial relief of landholders and tenants?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) No.

(*b*) Yes.

(*c*) It is not a fact that starvation conditions prevail.

(*d*) There is no apprehension of widespread distress in the near future.

(*e*) Does not arise.

(*f*) (*i*) 605 applications for agricultural loans have been received.

(*ii*) Nil.

(*iii*) A sum of Rs. 44,000 has been sanctioned for agricultural loans, of which Rs. 33,000 has been distributed.

(*iv*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state the amount that is covered by the 605 applications for agricultuarl loans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I ask for notice.

Abolition of the munsifi court at Raiganj Chowki in the Dinajpur district.

***111. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of Government to abolish the munsif's court at Raiganj Chowki in the district of Dinajpur.

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) Is the Hon'ble Member aware that the litigant public concerned will be affected if the said munsif's court be abolished from the said chowki?

(*d*) Will the Hon'ble Member be pleased to state the reasons for the establishment of the said court there?

(*e*) Will the Hon'ble Member be pleased to state whether the abolition of the said court will necessitate the establishment of another additional munsif's court at Sadar? If not, why not?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) to (*e*) The District Judge has been asked to report after consulting all interested parties whether the outlying munsifi should be abolished, and if so what arrangements should be made for the work. His reply has not been received.

Unstarred questions

(answers to which were laid on the table.)

Number of ministerial officers in the Bogra Magistracy and Collectorate.

106. Maulvi ASHRAFUDDIN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state the present strength of Hindu and Muhammadan ministerial officers in the lower and higher grades in the Bogra Magistracy and Collectorate?

(*b*) Is it a fact that there is not a single Muhammadan clerk in the higher grade ministerial posts of the Bogra Collectorate?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Hindu 26; Muhammadan 14: Total 40.

(*b*) One is officiating in the higher grade.

Publication of notifications for exclusion of different municipal areas from the operation of the Bengal Tenancy Act.

107. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the dates on which notifications required under section 1(3), clauses (*iv*) (*a*) and (*b*) of the Bengal Tenancy Act for exclusion of different municipal areas in Bengal from the operation of the Bengal Tenancy Act were published?

(*b*) If in all cases such notifications have not been issued, what steps does the Government propose to take for issuing such notifications?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No such notifications have been published.

(*b*) No steps are contemplated at present.

Recruitment of Mussalmans for future appointments in the Bengal Secretariat.

108. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state in which department in the Bengal Secretariat 33 per cent. of the appointments both in the clerical and typing establishment are held by Moslems?

(*b*) What policy does the Government contemplate following in recruiting Moslems for future appointments in the department referred to in (*a*)?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) The information asked for is being collected and will be supplied to the member as soon as it is available.

(*b*) Definite orders on the subject have been issued to all departments and the progress made in carrying them out is periodically examined by Government.

Elected members to the Council of Medical Registration, Bengal.

109. Dr. Sir NILRATAN SARCAR: (*a*) Will the Hon'ble Member in charge of the Local Self-Government Department (Reserved) be pleased to state whether it is a fact that the three gentlemen elected to the Council of Medical Registration, Bengal, under sub-clause (*h*) of clause 4 of the Bengal Medical Act as amended by Bengal Act III of 1928, were not invited to the meeting of the Council of Medical Registration held on the 11th March, 1930? If not, why not?

(*b*) Is it a fact that a member elected under sub-clause (*e*) was asked to attend the said meeting and allowed to take part in its deliberations although his name was not gazetted before the meeting?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state his name?

(*d*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state what is the reason for this differential treatment in this particular case?

(*e*) Is it a fact that in view of the abovementioned facts an adjournment of the business of the meeting was proposed and that the proposal was disallowed?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

MEMBER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (RESERVED) (the Hon'ble Mr. A. N. Moberly): (*a*) to (*f*) Government have not seen the proceedings of the meeting referred to which are not ordinarily reported to Government but will inquire into the matter and inform the member.

Short notice question.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in charge of the Political Department be pleased to state in how many and in what cases the provisions of section 3 of the Bengal Criminal Law (Amendment) Act, 1925, have been put into operation?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): There have been 9 cases, 5 of which were under the Arms and Explosives Act; there was one case of murder, one of robbery, one of attempt to commit dacoity, armed with a dangerous weapon, and one case under the Explosives Act, combined with criminal conspiracy, which is at present *sub judice*.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to supplement his answer by stating the year in which these occurred?

The Hon'ble Mr. A. N. MOBERLY: I cannot say offhand; but the case which is at present *sub judice* occurred in the year 1929-30; one of the attempted dacoity cases occurred in 1929; the murder case was the well known case of the murder of Rai Bhupendra Nath Chatarji Bahadur, which took place in the Alipore Jail in 1926. Two of the Arms and Explosives Act cases are well known as the Sovabazar and the Dakhineswar cases which, I think, occurred in 1925, but I am not quite sure. The robbery case of Goghat in the Hooghly district occurred, I should say, about the year 1927, but I cannot absolutely vouch for the accuracy of the dates.

DEMANDS FOR GRANTS.

(The discussion under the head "32.—Medical" was then resumed.)

Dr. AMULYA RATAN GHOSE: Mr. President, Sir, I have been speaking about tuberculosis in Bengal. I have spoken about the first stage and to-day I shall deal with the second stage which may well be called the sanatorium stage. In this stage if patients can avail themselves of treatment in the sanatorium there is every likelihood of being cured and unless an up-to-date sanatorium is established immediately the endeavours of the Anti-Tuberculosis Association will fail in its objects. At present the health visitors of the Association advise the patients for sanatorium treatment, but, as I have already stated, except the one at Jadabpur with 8 beds only there is none in Bengal. And secondly, the patients fail to act up to the advice of the health visitors with the inevitable consequence that the disease progresses and ultimately the patients die. Sir, regarding the construction of a sanatorium I had a talk with the Hon'ble Minister and I was given to understand that a house at Dum Dum will be used for the purpose in the near future. But, Sir, the purpose of a sanatorium in Dum Dum, a suburb of Calcutta, will not be satisfactory; it will not be so useful such as the sanatoriums at Bhawali or Dharampur or the one recently established at Itki near Ranchi. A sanatorium, as we know, is established at Jadabpur but will not serve the purpose which I am advocating. Such a sanatorium will not do. A sanatorium should be constructed in such an atmosphere where the natural health is free from poisonous germs. As the expert medical opinion goes it should be, as far as possible, constructed in a pine forest as it is held that the breeze of the pine trees is very

beneficial to tuberculosis patients and for that reason, Sir, my suggestion is that sanatoriums should be established somewhere near Shillong or Kurseong or such other places; otherwise the objects of a sanatorium will not be fulfilled. I heard sometime ago, I do not know how far it is true, that a sum of Rs. 1 lakh was going to be contributed towards the Jadabpur sanatorium but the money spent on such sanatoriums will not fulfil our expectations.

Then, Sir, the third stage is rather a hopeless stage and for this stage patients should be sent to hospitals. There they should be sent not so much with the hope of a cure but more for isolation so that in this stage patients may not disseminate the the germs in the localities, in big towns or even in the rural areas. Sir, in Calcutta up-to-date treatment is also unavailable. X-Ray installations, arrangements for artificial pneumothorax treatment and experts in this line are far and few between. For these reasons, Sir, I have felt it my duty to move this motion. I am really sorry that whereas other provinces provided for up-to-date sanatoriums and arranged for the treatment of tuberculosis patients long long ago, we, the people of Bengal, who so much boast of our civilisation and advanced views, have not yet been able to do what the Government of other provinces have done. It is really a shame to the Government—not only to the Government but also to the people of Bengal, who have not yet been able to persuade the Government to spend money for this very necessary object. Sir, I say that this is such a pressing necessity to our people that we cannot delay this matter even a day further and if there be any feeling for the dying brothers and sisters of our country I hope that, to-day on the floor of this House, I shall get a generous response from the Hon'ble Minister in charge of the Department.

Sir, with these words, I commend my motion to the acceptance of the House.

Mr. SHANTI SHEKHARESWAR ROY: Sir, Dr. Amulya Ratan Ghose has not brought this proposal about a sanatorium for tuberculosis patients a day too soon. I have been connected with a very small institution—the charitable home for consumptives at Puri—for the last sixteen years and from my experience there I can say that there is a crying need for not one such institution, but as many as can be established in this country. The proposal for a sanatorium for consumptive patients in Bengal is not a new one. Years ago Colonel Pilgrim, at one time Principal of the Calcutta Medical College, interested himself in the matter and I think about Rs. 20,000 was placed at his disposal by some philanthropic gentleman for establishing a home at Puri. As sufficient support was not forthcoming the project was ultimately dropped and later on, I believe, a special ward for consumptive patients has been constructed in the Calcutta General

Hospital with the money. But the idea of having a sanatorium for consumptive patients in this part of the country was not given up.

Year after year the importance of the subject was pressed before the ruler of the neighbouring province of Bihar and Orissa on the occasion of his annual visit to Puri. Fortunately or unfortunately the head of the province and the other members of the Government have to spend a considerable part of the year at Puri and Ranchi, the two places where consumptive patients from this part of India flock in large numbers to recoup their health, and they were ultimately moved to action. A scheme for a sanatorium at Itki near Ranchi has been sanctioned and several lakhs of rupees have been spent in constructing quarters and getting the necessary equipment. Recently the institution has been thrown open to paying patients, but, Sir, this has been of no help to patients from Bengal. The authorities of the institution have laid down a rule that only natives of the province are to be admitted into the institution. There is no question there of patients from Bengal, or for the matter of that even Bengali or Marwari residents in that province getting a chance in case there is accommodation available after satisfying local needs. Sir, this is not the place nor the occasion for discussing the policy of the Bihar Government in the matter, and I only mention this with a view to draw attention to the injustice of the whole thing and point out our helpless condition.

So far, the Government of Bengal has made no serious effort to tackle the problem. Like malaria the attitude of the Government in such matters has three stages. The stage of sympathy, the stage of action and the stage of waste. We are still in the first stage. Yesterday, during the course of the debate on the education grant, the Hon'ble Minister for Education was pleased to remark that the only occasion on which he had visited the Calcutta University was on the Convocation day. That was the proof of his sympathy. I think the Hon'ble Minister in charge of the Medical Department can equally claim to have shown sympathy in this matter as he attended the annual meeting of the Anti-Tuberculosis Association of Bengal the other day. But, Sir, tons of sympathy without any practical help cannot carry us very far. We want the Government to come to the second stage at an early date. I expect them to take action. I know the problem is beset with many difficulties. Firstly, there is the question of funds and secondly, the selection of the right place for the sanatorium. So far as the selection of the place is concerned, as a layman I am not in a position to offer any suggestion. It is for the experts to say where such a sanatorium can be usefully located. If it is possible to find a place within the presidency of Bengal, so much the better. If not I think there should not be any great difficulty in securing a site in some neighbouring province. Sir, as regards funds

I do not press for a very ambitious scheme. I think with an initial expenditure of Rs. 1 lakh and a modest recurring grant a start can be made. Sir, I shall finish by mentioning the third stage—the stage of waste. Sir, I do not want the Government of Bengal to spend lakhs and lakhs of rupees on a sanatorium. A sanatorium or two on a modest scale would serve very useful purpose. What would be of greater practical utility would be the establishment of cottage wards attached to district hospitals where patients can be segregated at an early stage of the disease and where they may receive adequate medical attention from the very first. When people belonging to the poor middle class attacked with this disease think of a change to Puri or Ranchi, the disease is in such an advanced stage that very little good can be done even in the most up-to-date sanatorium maintained at a huge cost.

The following motion was called but not moved:—

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 6,30,500 under the head '32A.—Medical establishment' be reduced by Re. 1."

Dr. Sir NILRATAN SARCAR: Sir, I am deeply grateful to you for giving me on opportunity of placing my views regarding the new services of this province before this House. I am also much grateful to the Hon'ble Minister for the statement which he made last night regarding his anxiety to do justice to the members of the Provincial Medical Service. Sir, I may be permitted to draw the attention of the House to the fact that according to the latest Despatch of the Secretary of State after the recommendation of the Lee Commission the number of posts reserved for the Indian Medical Service officers in Bengal is 22, viz., 1 post is that of the Surgeon-Superintendent of the Presidency General Hospital, 5 posts in the Jail Department, 3 posts in the Medical College————

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): Sir, I have nothing to do with the Jail Department and I hope the speaker would exclude the Jail Department.

Dr. Sir NILRATAN SARCAR: I am only incidentally mentioning the Jail Department. In addition to the posts I have already mentioned, 13 posts are reserved for civil surgeoncies in the mufassal. I think this is the department which concerns the Hon'ble Minister most. I may draw his attention to one fact—that, of the reserved 13 appointments to be filled by members of the Indian Medical Service. at the present moment there are only 7 I.M.S. men as civil surgeons

in the mufassal. Then, Sir, of these 7, only 4 are European gentlemen. I would draw the pointed attention of the House to this fact, because this point is a social one, i.e., only European medical men can be permitted to attend on the families of Europeans and for that reason European medical service men are necessary in the mufassal and that has been made a lever to turn out the Indian medical men from the field. Now, if that be so, where there should be 10 Indian Medical Service men, there are only 4 there, and the world, I believe, is still going on and there is not much complaint from the European residents in the mufassal as there are only 4 Indian Medical Service men in the mufassal now.

Then, Sir, as regards the Medical College, I find that in the Medical College where there are 3 reserved appointments for the Indian Medical Service officers, viz., the Professoriate of Medicine, the Professoriate of Biology and the Professoriate of Obstetrics, in addition to these 3, we have at least 7 Indian Medical Service men there—I mean an additional Physician, an Additional Surgeon, an Additional Ophthalmic Surgeon, an additional Obstetrician, an additional Pathologist and one or two Resident Surgeons, from time to time. Now, these gentlemen are there and they are quite welcome. I know many of them and I appreciate them very much personally. But the question is—have they not ousted so many of the Provincial Service men from the field? That is the point. And if that be so, is it not a gross injustice to the local graduates and members of the Provincial Service to be ousted from the field of education in this way in Bengal? What is the state of things that we find in the other provinces? I draw the attention of the House to the fact that not long ago they were at least paid above the civil surgeon's grade, i.e., Rs. 550, some allowance in addition, and they did certainly the same sort of work that our professors do here in the Medical College now. In Madras—I am speaking of the service—there are at least 8 men in the Provincial Service who draw a salary above Rs. 800 plus allowances. Then, in the United Provinces there are 8 Provincial Service men drawing above Rs. 800—1,000 and some allowances. In the Punjab there are at least 8 officers in the Provincial Service who draw salaries above Rs. 575, plus some allowances, and occupy some of the high posts in the Medical Relief Department. But, Sir, in Bengal I must, in justice to the Hon'ble Minister, admit that there is at least one man, namely Rai Satis Chandra Banerji Bahadur, who has been allowed to draw a salary higher than that of a civil surgeon, after completing the 25th year of his service: and there was another who has recently retired from service, namely, Rai Upendranath Brahmachari Bahadur. There are two other officers in Bengal, namely, the Professor of Anatomy and the Professor of Biology who draw salaries ranging from Rs. 800 to Rs. 1,500; but they were of course appointed to special

posts: they are there not because they are members of the Provincial Service but they are there because they are what they are. Here, however, I find that the most distinguished members of the Provincial Service cannot aspire to a pay higher than Rs. 450 plus some allowance. I, therefore, feel that it is a great injustice to the members of this deserving body. Unfortunately, there is an obsession somewhere in the official quarters that there should be a clean line of demarcation between the Indian Service men and the Provincial Service men; certain posts are held to be posts reserved for the Indian Medical Service and certain others for the Provincial Service men, though in other provinces this line has become more or less blurred and disappeared. In this province, even some of the best of our men do not get more than Rs. 450. Now, Sir, I think that is a great grievance of the people of this province, and especially of the members of the Provincial Service. The number of posts actually reserved for members of the Indian Medical Service is 22 according to the Despatch of the Secretary of State to which I have already referred. To-day on consulting the Civil List we can find that there are 38 officers of the Indian Medical Service holding appointments here in Bengal.

3-30 p.m.

This really means that to this extent or to that extent the local graduates, the Indian graduates, members of the Provincial Medical Service, have been deprived of opportunities which they should have got under other circumstances. With these words I support the motion that has already been moved.

Before I sit down I should like to place before the House another point which I hope the Hon'ble Minister will kindly examine and take the needful steps.

As regards the recruitment of assistant surgeons it appears that there is no system at present, and as a particular grievance I place it before the House. Since 1922, when the first batch of medical students graduated from the Carmichael Medical College till 1930, out of 36 appointments that have been made only one graduate from this college has been appointed as an assistant surgeon. During this period the Carmichael Medical College has turned out about 500 graduates and only one had the opportunity of getting himself enrolled as a member of the Provincial Medical Service. This is a grievance and I have no doubt that the Hon'ble Minister who has a generous heart will try to remove it.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I am sorry that Sir Nilratan Sarcar was not present here yesterday to hear my

opening speech. Had he heard what I said yesterday with reference to the questions raised by him I am sure he would have been spared the trouble of exercising his weak lungs to-day. The posts reserved for the I. M. S. in my department in Bengal are 17 in number but this does not preclude us from employing a larger number if found necessary by the circumstances. In the present state of medical efficiency and attainments of our Indian medical practitioners in Calcutta, I am constrained to say that it is not possible to fill up most of our posts in the Medical College which require a very high standard of efficiency and training by direct local recruitment (Rai Dr. HARIDHAN DUTT Bahadur: Question, question). Rai Dr. Haridhan Dutt Bahadur has questioned my statement. Only the other day I enquired of all the leading physicians of Calcutta to suggest to me a suitable pathologist to take up the post vacated by Colonel Acton, but no one could suggest any name to me; still Rai Dr. Haridhan Dutt Bahadur questions me.

Rai Dr. HARIDHAN DUTT Bahadur: May I rise on a point of personal explanation? May I respectfully point out to the Hon'ble Minister that————

Mr. PRESIDENT: You said nothing and so no personal explanation is required.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Then, again, I personally asked Sir Nilratan Sarcar to give me an Indian Radiologist for employment in the Medical College but he too could not give me any name.

Dr. Sir NILRATAN SARCAR: Only not in time; I gave the name of the best man ready and willing to take up the post.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Yes, after the appointment was made. This is the real position. It has, therefore, been found necessary to retain a larger number of I. M. S. officers in the Medical College as specialists in their branches of teaching. I have already given an assurance yesterday that whenever possible other conditions being equal, attempts would be made to fill up vacancies in the Medical College in the posts which are now not reserved for I. M. S. officers by direct recruitment as far as possible from Bengal.

With regard to the recruitment of assistant surgeons I have also assured the House that the rules will be modified as early as possible in a manner which would remove all legitimate grievances of the candidates.

With reference to the pay of the two assistant surgeons mentioned by Sir Nilratan I might say that it is impossible or rather it would be unjustifiable to give a civil surgeon's pay to them who do not do the work of a civil surgeon.

I now come to my friend Dr. Amulya Ratan Ghose. I have carefully listened to what has been said by the speakers and I might admit forthwith that the question of the establishment of a special sanatorium for tubercular patients has not yet been seriously considered by the local Government and the main reason is surely want of funds. The attention of Government however was specially drawn to the question of tuberculosis in Bengal some time in 1927 and in 1928, a committee of medical experts was appointed to investigate the problem for the purpose of considering and reporting to the local Government a practicable means of combating the disease. I have seen the report and I find that the matter was not so thoroughly investigated as it might have been done. It appears that the committee too had an eye on the financial condition of the Government and they confined their recommendations to such schemes only as the Government could give effect to immediately even in their present financial condition. The committee suggested that the establishment and management of sanatoria may be left to voluntary organisations, Government of course helping such organisations by making grants towards their capital and recurring expenditure. For the time being Government are acting on this recommendation. Only last year we contributed a sum of one lakh to the tubercular sanatorium at Jadabpur. The promoters of this institution hope that eventually the sanatorium will have several hundreds of beds and sufficient land is being acquired by them to permit of further extension.

Then there is a non-official organisation called the Anti-Tuberculosis Association founded by Mrs. Campbell-Forrester which has received every encouragement from Government. Only the other day His Excellency the Governor presided over its Annual Meeting at the Dalhousie Institute and I might tell Mr. Santi Shekhareswar Roy that I also was present there. This Association has been asked to submit its proposals and when received they will find certainly a sympathetic response from Government. I think Mrs. Campbell-Forrester has already examined several likely places where a sanatorium can be established. I would, therefore, request the hon'ble mover as also Mr. Shanti Shekhareswar Roy who, I know, takes a special interest in the T. B. question to put themselves in touch with Mrs. Campbell-Forrester, so that we may have the benefit of their co-operation, experience and advice in the matter.

I might inform the hon'ble mover that we are not altogether neglecting the tubercular patients. There are tuberculosis wards in practically all the Sadar hospitals in Bengal containing 4 beds for men and 2 for

women. The Medical College has a T. B. ward on the roof of its building and it is doing good work and I think Dr. Ghose also knows about it. Tuberculosis wards in the Presidency General Hospital are also on the top of the building.

I assure the hon'ble mover and the House that Government fully appreciate the gravity of the demand and, when funds permit, will take up the matter on behalf of the State and do their best to remove a genuine grievance of the people of Bengal.

After this assurance I hope the hon'ble member will kindly see his way to withdraw his motion.

The motion that the demand of Rs. 6,30,500 under the head "32A.—Medical Establishment" be reduced by Re. 1 (no provision for the establishment of a sanatorium for tuberculosis patients) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Abear.
Chowdhury, Maulvi Abdul Chani.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Prafulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazlul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Temizuddin.
Lal Muhammed, Haji.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prasad.
Rahman, Mr. A. F. M. Abdur-
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hoseni.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Satheswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Cassells, Mr. A.
Choudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Hassan, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Sushi Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mohanda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.

Pimmell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. E.
Stevens, Mr. H. S. E.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 48 and the Noes 43, the motion was carried.

3-45 p.m.

Mr. PRESIDENT: The allotted time for the discussion of this demand is up, and I must forthwith put every question necessary to dispose of the demand under discussion.

The motion that a sum of Rs. 48,59,000, as amended by the Council, be granted for expenditure under the head "32.—Medical" was then put and agreed to.

The time limit having been reached the following motions under the head "32.—Medical" were not moved:—

Mr. P. N. GUHA: "That the demand of Rs. 3,25,000 under the head '32B.—Hospitals and dispensaries' be reduced by Rs. 100. (To raise a discussion about the advisability or otherwise of the opening of non-allopathic dispensaries in the mufassal)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 70,000 under the head '32.—Medical—Comilla Hospital Building' be reduced by Rs. 50,000."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 3,83,000 under the head '32B.—Hospitals and dispensaries, grants-in-aid, contributions and donations—Grants to hospitals and dispensaries (Reserved and Transferred)' be reduced by Re. 1. (To draw attention to the fact that the total death rates due to malaria, cholera and other epidemic diseases are far higher than birth rates in the police-stations Lohagorah and Narail in the district of Jessore)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 23,42,000 under the head '32B.—Hospitals and dispensaries' be reduced by Rs. 100. (To disapprove of the policy followed in recruiting ministerial officers in the Calcutta Medical College Hospitals, the School of Tropical Medicine and Hygiene, the Campbell Medical School Hospital, the Presidency General Hospital, and the Sambhu Nath Pandit Hospital whereby Muhammadans are almost excluded from appointment)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 3,02,000 under the head '32C.—Grants for medical purposes' be reduced by Rs. 100. (To draw attention to the fact that nothing has been done to establish a medical school in the district of Howrah)."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: "That the demand of Rs. 3,02,000 under the head '32C.—Grants-in-aid, contributions and donations (Transferred)' be reduced by Re. 1. (To draw attention to the need for contributing more money for *dhai* training and for the introduction of the Ayurvedic and Unani systems)."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 3,09,000 under the head '32C.—Grants for medical purposes' be reduced by Re. 1."

Mr. P. N. GUHA: "That the demand of Rs. 9,50,000 under the head '32D.—Medical College and Schools' be reduced by Rs. 100. (To raise a discussion about the question of medical education generally)."

Maulvi MUHAMMAD HOSSAIN: "That the demand of Rs. 4,87,000 under the head '32E.—Mental Hospitals' be reduced by Re. 1. (To draw attention of Government to the want of accommodation of insane convicts in Mental Hospitals)."

Mr. SHANTI SHEKHARESWAR ROY: "That the demand of Rs. 4,87,000 under the head '32E.—Mental Hospitals' be reduced by Re. 1."

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 48,59,000 under the head '32.—Medical' be reduced by Re. 1. (To draw attention to the inadequacy of the provision)."

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 48,59,000 under the head '32.—Medical' be reduced by Re. 1. (General policy with reference to backward classes)."

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 48,59,000 under the head '32.—Medical' be reduced by Re. 1. (To criticise the working of the department)."

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 48,59,000 under the head '32.—Medical' be reduced by Re. 1."

33.—Public Health.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 40,91,000 be granted for expenditure under the head "33.—Public Health."

Permit me, Sir, at the outset to inform the House that for the next year it has been possible for us to budget an amount which exceeds the actuals of 1928-29, by about Rs. 8,21,000 and the revised estimate of 1929-30, by Rs. 4,31,000. Sir, I need hardly remind the House that every increase under this head necessarily indicates a further expansion of our activities for the welfare of our people. This is a department where the more we spend the more we are able to bring health and happiness to the people.

Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: We shall save a lot of time if we have one discussion on motions 398 to 402. They all relate to the head 33A. Is there any objection?

(There was no objection.)

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 74,000 under the head '33A.—Public Health Establishment—Contribution towards pay of Health Officers and Sanitary Inspectors' be reduced by Rs. 100. (To criticise the policy of appointing sanitary Inspectors not on a provincial basis)."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the demand of Rs. 5,10,000 under the head "33A.—Public Health Establishment—Director of Public Health" be reduced by Rs. 100. (To express disapproval at the insufficiency of grants for the publicity work of the Public Health Department).

Sir, my intention is to draw the attention of the House to the insufficiency of grants for publicity work of the Public Health Department. In the present situation of Bengal, that is the one department which requires a large amount of attention on the part of Government. Unfortunately this department is not receiving attention in matters of publicity work. I am not sure if it is known to the members of this House that for some years past administrative approval has been given to a scheme for the expansion of the publicity work of this department. Unfortunately it has not yet been possible for the Public Health Department to incorporate the amount of grant for this purpose in the budget.

Sir, it is imperative that the sanitary consciousness of the people should be roused up and that public health ideas should be instilled in

them. But that is not possible especially in this presidency, where we have not yet been able to provide free primary education for the masses, if the publicity work is not done properly.

Sir, I admit that this work is also the concern of local bodies, but surely it is the duty of Government to supplement the work that is being done by these bodies. I believe I am voicing the sentiment of the general public when I say that in this matter Government should shoulder its responsibilities in full and do its very best to help the publicity work of this department. Government has not done its best in the matter. I submit that publicity work requires immediate attention from Government, if we are to effectively tackle such epidemics as small-pox, malaria, kala-azar, tuberculosis and other diseases. A certain amount of publicity campaign has been organized by some of the district boards, but I regret to say that they meet with tremendous difficulty in getting help from the Public Health Department, because the publicity branch of that department is so under-staffed that it cannot meet the demands from the different districts of Bengal. I believe that it is the duty of the Ministry of Public Health to see that public opinion is satisfied, by providing sufficient grants for this purpose.

Sir, I will not draw any comparison between one grant and another. I know that there is a certain amount of recurring grant and a certain amount of non-recurring grant. But even as regards the non-recurring grant this department does not get its proper share, though it is found possible to give lump grants to institutions about the utility of which we are not satisfied from any point of view whatsoever. In any case, I do not wish to cite instances and to make invidious distinctions, but I shall content myself by saying that this department deserves the immediate attention of Government.

4 p.m.

The Hon'ble Kumar SHIB SHEKHAREESWAR RAY: Sir, I have no hesitation in admitting at once that with a larger sum our publicity branch would be able to do much more useful work than they are doing at present. In fact, at the present moment, we have a scheme ready which would cost us about Rs. 24,000 a year, but we are unable to give effect to it for want of funds. I have nothing to add to what I have said.

The motion of Khan Bahadur Maulvi Azizul Haque was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: "That the demand of Rs. 7,14,000 under the head '33A.—Public Health Establishment' be reduced by Re. 1. (To draw attention to the urgent necessity of an increased staff in the Publicity Department)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 7,14,000 under the head '33A.—Public Health Establishment' be reduced by Rs. 1,50,000."

Dr. Sir HILRATAN SARCAR: That the demand of Rs. 7,14,000 under the head '33A.—Public Health Establishment' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 2,50,000 under the head '33B.—Public Health—Grant for rural water-supply' be reduced by Rs. 100. (To record disapproval at the reduction of the grant from the figures of the revised estimate of 1929-30)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 50,000 under the head '33B.—Public Health—Asansol Water-Supply Scheme' be reduced by Rs. 20,000."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 25,000 under the head '33B.—Public Health—Titagarh Sewerage Scheme' be reduced by Rs. 10,000."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I do not propose to move either motion Nos. 403, 404 or 405, but I propose, with your permission, to move No. 406.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 28,31,000 under the head "33B.—Grants for Public Health purposes" be reduced by Rs. 100. (To draw attention to the failure of the present Food Adulteration Act to check the problem of food adulteration in rural areas).

Sir, my intention in moving this motion is to draw attention to the failure of the present Food Adulteration Act to check the problem of food adulteration in rural areas. I must admit that this failure has been due not to any defect in the Act. As a matter of fact it is the bad administration of the Act by the Judicial officers which is responsible for the failure. In my district I have taken particular pains to study this question and I can give instances of high adulteration of ghee or oil in which the offenders were let off with a fine of only a few rupees. You will understand the difficulties of district boards and municipalities in prosecuting cases of food adulteration; they have first to send their inspectors to inspect the article in question, thereafter to make a payment of Rs. 2 to the Public Health Department for the analysis of the particular article, to meet other incidental charges which amount to Re. 1; these things they have got to do before starting a prosecution,

but when the case is actually started, one of the health staff has to be present in court. Each prosecution costs roughly about Rs. 7 or Rs. 8. If after this, the punishment inflicted by the magistrate is a nominal one, not to speak of being a deterrent one, it does not encourage the local bodies to start such prosecutions. Our district board has prosecuted last year no less than 200 persons and about 200 in the year before last. You will be astonished to hear, Sir, that in some cases for the second offence the same offender was fined for the same offence much less than the fine in the first case. I will give an instance in which a man was prosecuted for exposing sweetmeats and other eatables to dust and flies; but the magistrate held———

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. The Local Self-Government Department have no control over the magistrates, and any reference made to the magistrate will be out of order.

Khan Bahadur Maulvi AZIZUL HAQUE: May I explain that I am not out of order, because the Local Self-Government Department is to see that the Act is not merely passed but actually put into practice, and the department should take such steps that the Act becomes effective. I am showing that the Act is ineffective. Then in regard to the case, the magistrate held that the previous day's rain stopped the dust and the man was acquitted, forgetful of the fact that the danger is not merely against dust but also the flies. I am drawing attention of the House to the fact that successive district magistrates have drawn the particular attention of the magistrates concerned to this evil, and from the inspection report of the District Magistrate of Nadia of a municipality in our district, I quote the following extract: "The Chairman complains that both under the Hackney Carriage Act and under the Food Adulteration Act the sentences of fines passed by magistrates are not only often far too lenient, but also in many cases the municipality is out-of-pocket. Again section 5 and section 6 of the Food Adulteration Act provides for fines up to Rs. 1,000 and Rs. 500 respectively. In each of these instances it costs the municipality Rs. 5 for analysis in Calcutta of the suspected articles, process fees and sometimes lawyers' fees. The fine inflicted is inadequate. It is a serious offence and menace to public health." In spite of this inspection report of the District Magistrate it had no effect. Next year another magistrate came and said that: "In view of the outbreak of beri-beri in the town special attention should be paid by the sanitary staff of the municipality to the adulterated food-stuffs sold. The number of cases instituted in the current year is only 15. The number is too small in view of the extensive sale of adulterated food-stuffs in the market. The Chairman complains of the inadequacy of the punishments inflicted in food adulteration cases. I find that in

the seven cases convicted during the year the total amount of fines inflicted is only Rs. 49, and in two cases only the fine was Rs. 10 or more. Mr. Durno commented last year on the insufficiency of the fines. I hope that adequate punishments will be inflicted in such cases." In spite of that it has not been done. I have got a list of cases showing instances in which a man for his first offence was convicted with a fine of Rs. 2 and for his second offence he was fined Rs. 5. In most of these cases the articles on analysis were found to be highly adulterated. Now, it is true that it is the duty of the local bodies to counteract the evil, but unless adequate punishment is inflicted on the delinquents the local bodies are powerless. An offence of this nature may be tolerated for the first time, if there by any mitigating circumstance, but surely its repetition for the second time cannot and should not be tolerated. I am drawing the attention of the Local Self-Government Department to these things to show that the Act is ineffective. I think it is the duty of the Local Self-Government Department to see that the provisions of the Act are properly given effect to. There are several cases where the man is not fined at all but merely warned. I will refrain at this stage from citing instances of judicial discrimination where in a particular municipality the offenders are fined Rs. 100 or Rs. 80 though in another municipality fines of only Rs. 2 or Rs. 5 are imposed for the same offence. But in our district the position is such that we feel it is no use wasting the time of our officers if drastic punishments are not inflicted in these cases. With these words I commend my motion to the acceptance of the House.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 28,31,000 under the head "33B.—Grants for Public Health purposes" be reduced by Re. 1. (To discuss a loan policy on the lines of Mr. C. R. Das's scheme.)

Sir, on the 24th November, 1921, Sir Surendranath Banerjea, then Minister in charge of Public Health, in his speech before the House, explained his idea to draw up a comprehensive scheme of water-supply and anti-malaria operations embracing the whole province, and then to map it out year by year and go on with it progressively. But he said this could only be done by a loan as these were works of permanent utility. He asked the Council to recognise the principle that as works of permanent utility, the only method of carrying them out would be by loans. No further progress apparently was made in the matter till Mr. C. R. Das in his famous speech on the 29th February, 1924, outlined his scheme in the following words—

"Borrow 5 crores at 6 per cent. interest, and arrange for a sinking fund at 2½ per cent.....; with 5 crores for nation-building purposes you can do a great deal. Spend one crore for technical education in Bengal, spend one crore for primary education, spend 30 lakhs for special Muhammadan educational institutions, spend 30 lakhs for those who are called

the depressed classes.....; spend one crore for weeding out malaria and kala-azar, and spend 40 lakhs for the development of agriculture—you can do all this for five crores.....and spend one-third of the sum towards the transferred department, one-third to pay interest, and one-third towards sinking fund charges."

We heard that Mr. Das was asked to submit a detailed scheme which was done. The Public Health Department, I understand, was consulted by Government regarding that portion of the Das scheme dealing with public health organisation for Bengal. I believe the principle underlying it was approved. But so far as we are aware, Government slept over the matter till February, 1927, when a part of Mr. Das' scheme regarding public health organisation was adopted by Government, and a sum of Rs. 12 lakhs was to be spent annually from the funds of Government to be supplemented by 6 lakhs to be provided by the district boards. The main idea, adopted from the Das scheme, was to divide the whole country into units on the system of thanas and establish a public health staff in each of these—roughly 600—thanas, consisting of an assistant medical officer of the sub-assistant surgeon class, together with one sanitary assistant, with medicine, apparatus, etc. According to the scheme adopted, there were to be 587 such units. This has been in force for three years and already about 550 such health units have been started in as many thanas. This has already given very great relief and the scheme has become very popular.

4-15 p.m.

Now, Sir, I have to ask what about the rest of the Das scheme? Why have the Government adopted only a very small part thereof? Why has not the loan scheme been adopted? We have a suspicion that the almighty Finance Department has had a hand in the pie; we believe that the Finance member coming from the city of granite has a heart of granite and has turned down the scheme.

Now, Sir, I say it is a very serious matter that Government has turned down a scheme calculated to give relief to thousands of my countrymen. If the Government had the courage, the heart, to adopt this, then within these six years from 1924 to 1930, a great deal could have already been done towards the eradication of preventable diseases like cholera, small-pox and malaria. During these six years, I do not know how many thousands of people have died from these diseases, whose lives might have been spared, had our demand been adopted. Sir, I ask, who is responsible for the previous lives of our brothers sacrificed by the folly of Government? Sir, I am not a Swarajist and do believe in non-violence in speech, but it is difficult to curb one's indignation when one dwells on this "massacre" of innocent people.

But they shall have not died in vain if we hereby resolve that we shall not tolerate the continuation of this state of affairs. We, therefore, call upon the Government through the Hon'ble Minister forthwith to take steps to float a loan with the object of eradicating these preventable diseases. It is no use sitting, like the Government, with folded hands waiting for something to turn up. No, we must bestir ourselves. We must call the Government to book, and make them heed public opinion. We have heard a good deal about "responsible" Government but very little about "*responsive*" Government. Let Government be responsive—let them in time take heed. Sir, the dumb millions patiently waiting for their doom may soon cease to be dumb. Already faint whisperings are being heard. Let Government, I say again, take heed, let them not try to suppress the mutterings by talk of spread of anarchy. No, let them by love, by real and not lip sympathy, win the hearts of the people by taking prompt measures to alleviate their miserable condition.

4-15 p.m.

Mr. F. V. RUSHFORTH: I rise to oppose this motion not because I have no sympathy with the objects for which the expenditure is proposed but simply because I consider that a loan is not the correct way in which to raise money for these objects. We are all in sympathy, Sir, with the desire to extend primary education and to improve the conditions of our fellow creatures in this province, but Sir, in dealing with the question of a loan we must keep in mind certain canons of sound finance. If we depart from these we shall render our final condition worse than the first. There are certain principles, Sir, I should like to place before the House, which should be borne in mind in dealing with the raising of a loan and with expenditure from a loan. The first condition is that that the expenditure must not be for ordinary recurring purposes. In other words, it should be in the nature of savings, present or future. Anything in the shape of recurring expenditure should be provided for from our ordinary revenue. The second condition is that a loan should be used for the purpose of the creation of tangible assets which in themselves provide the revenue to pay for the service of the loan. For that reason, Sir, I am strongly in favour of a more bold and more vigorous loan policy in this province. I mentioned that in my comment on the budget previously. But, Sir, in raising a loan we must bear in mind that its subject must be the building up of productive assets which have a capital value. For instance, I mentioned that we ought to raise a loan for the purpose of making roads and bridges and improving communications which will represent productive assets. If you think for one moment, you will see that such assets would have a marketable value with anybody—a private company or with Government. They would, in themselves, produce revenue which

would pay for the service of the loan. The loan would not be a burden on the community in general. If, however, the money is spent on ordinary objects which means that consumption takes place and there are no tangible assets as a result of the expenditure, then a loan is not the correct way to get money for these objects. It is quite possible that by spending loan money on improving the physique or the education of a community there might be indirectly, in course of time, an improvement in the earning capacity of the people as a whole. But, Sir, that question has been considered by the authorities on public finance and it is generally admitted that the results are too uncertain to justify loan expenditure on those objects. I would, therefore, commend to this House that, while we are entirely in sympathy with capital expenditure where it can be used for productive assets, we should oppose any tendency to fritter away our savings on ordinary recurring expenditure which should be met from ordinary revenue.

Maharaja JAGADISH NATH ROY, of Dinajpur: Mr. President, Sir, in rising to support this token cut I have the greatest fear of being misunderstood by my hon'ble friend the Kumar Sahib. I feel so strongly in the matter of public health that I could not refrain from touching on the point even in my very first speech in this Council. It looks, of course, a little awkward that when there are so many able and learned members representating North Bengal, I should rise again and again to bring forward the grievances of my part of the province. But even if they are silent, I cannot remain quiet. I am, moreover, very sorry that the grouping of subjects has forced me to stand once again in partial opposition to the Hon'ble Minister's demand.

The object of my support to this motion is primarily to mark our disapproval of the action of the department or, for the matter of that, to make a protest against the stolid indifference of the Government as shown by their inadequate provision for water-supply in rural areas.

If the hon'ble members will only think of the ridiculously small amount provided for the purpose in the whole of Bengal, they cannot help concluding that all talk about public health and water-supply is born of sheer pity without any real help being intended. Sir, it is quite late in the day to convince anybody how water is connected with the question of public health, and I might at once say, from my own knowledge as Chairman of the District Board of Dinajpur for some years and that obtained from my association with the workings of the Municipality and the District Board for a period of about 15 years, that much of the deplorably poor condition of the health of the Dinajpur district is to be attributed to the scarcity and badness of drinking water. Our rivers are dead and dying. They are practically devoid of water. There is, no doubt, an overflow during

the rains; but the water then brings with it the fell diseases of malaria, kala-azar and cholera. Most of the rivers, that ran proudly through my part of the province, have come almost to a dead halt. Famine and pestilence stalk their banks to-day. And most of the ills that my district of Dinajpur suffers from is due to the moribund condition of the rivers.

All my friends here know that public health, water-supply, agriculture and irrigation are all inter-connected and none can thrive at the expense or neglect of another. Drought may or may not be a vengeance of God for the sins of the many beings created by Him, but the dire consequences of pecuniary distress and man-killing diseases fall no doubt on the head of the Government also. I know that the various district boards do all that lie in their power to mitigate the distress arising from scarcity and impurity of water. During famine conditions relief works also are started; but can the occasional digging of the bed of a dead and dying river bring any great relief either to the famished people or meet the general want of water-supply? Sir, the apathy of the Irrigation Department be not better said at all. Their's is a privileged position. Their efforts are mostly confined to speculations and reports. It is not unnatural that people should consider this "white elephant" of a department as the most dangerous in the whole administration of Bengal. I do not mean any reflection on any of my hon'ble friends who are in charge of irrigation, agriculture, and public health or water-supply. One thing that I cannot understand, Sir, is that in spite of these heavy establishments little work is done. It is a mystery to me why irrigation has been made a Reserved subject at all. I should have very much liked if by some means or other these three departments could be brought under one Member or Minister.

Sir, I know that about a thousand wells have up till now been sunk by the District Board of Dinajpur, but many thousands of them will have to be done before the question of water-supply in the district is somewhat solved. My district of Dinajpur has become a by-word for malaria and kala-azar. Is there any doubt that if water conditions of the district could be made a little better, the cruel hand of Death might be stayed to some extent at least? Then, as regards the rural public health organisation, some centres have already been opened in the district and some more would be in working order in the near future, but there again is the question of money involved. If the staff working those organisations be not provided with suitable quarters even in the total absence of rented houses, the health centres can never be expected to work satisfactorily. I do not know if the department has even thought on this point although we on our part did not fail to bring it to the notice of the Government. Sir,

whichever side of the problem we might think of, an empty nothingness spreads before our vision. But I believe that if the question of money is settled, very little time is required for the fructification of the schemes that have been mooted times without number. I can very well assure my Minister friend, therefore, that if we apparently array ourselves against him we know that he is helpless. But, what else can we do to ventilate our grievances? I mean, grievances that are so long-standing that the heart has become almost sick to repeat them again and again. I should like only to repeat them again them again and again. I should like only to tell the Hon'ble Kumar Sahib that he must not make any attempt to shirk the question. Let him take courage in both hands and vindicate the responsibility that he has taken upon himself.

Mr. PRESIDENT: Order, order. The member may speak when we re-assemble after the prayer adjournment.

[At 4-30 the Council was adjourned for prayers and it re-assembled at 4-40 p.m.]

Maharaja JAGADISH NATH ROY, of Dinajpur: Sir, a glance through the Council proceedings of the last year showed me that the then Member in charge of Irrigation eluded the grasp of an hon'ble councillor on the question of water-supply by simply mentioning that the Irrigation budget did not exhibit the entire money to be spent for the purpose and he very kindly referred to Act VI of 1920. Let not our present friends emulate that example. So long as the present grouping of subjects remains, I implore them to make co-ordination and co-operation among them possible.

Sir, there has been of late another fashion in vogue to assign our age-long social habits as the cause of all ills and ailments and mortality of all kinds. I know that light and air contribute a good deal to the improvement of health; but insanitary surroundings, want of pure water and nutritious food, bad drainage and the scanty flow of river water, are indubitably the prime causes of disease and death in rural areas at present.

Sir, when I speak of the woes and miseries of our people I speak from my own personal experience. I feel myself in my own heart how even the zamindars have been affected greatly in financial matters by constant ravages of malaria and kala-azar among their tenantry, not to speak of the fast deteriorating agricultural condition of the people as a whole. Sir, the District Board Conference that sat under the presidency of the Hon'ble Sir Provash Chunder Mitter towards the end of 1927, in the proceedings of which I had the honour to participate, recommended a loan scheme and it was accepted by the Government. We had high hopes that a solution was possible after all. But as

many of the hopes and expectations of human beings are very often dashed to the ground we were not quite surprised when we too were soon disappointed. But repeated disappointments are sure to make men callous or desperate. Some of us have really grown indifferent to our environments, and that a section of the people has become desperate also, is abundantly clear from the signs of unrest about us. Sir, as one bound by duty and obligations to look to the welfare of thousands of people, I have given earnest thought to this all-important question of public health and its allied branches; but I do not see any other way of saving the people from ruin and death than by inaugurating a scheme of loan, be it on the model suggested by the late Mr. C. R. Das. or by reviving the one once accepted by the Government for this purpose. With these words, Sir, I give my hearty support to the motion of my friend, and in doing so, I hope that the department concerned and the Government also will take note of the fact that we do not express our minds to-day, only with a few to play to the gallery. Before I sit down, Sir, I should like to put one single question to my hon'ble friend on the Government bench. We all have heard of the Public Health Circular issued on the 30th October last to all Commissioners of Divisions on the subject of a loan policy for the improvement of rural water-supply. Let the district boards submit their well-thought-out proposals in reply thereto and let the department employ their time in examining them as minutely as possible. I can have no objection to that. But I cannot think that the department does not know that at least some of the district boards are heavily involved in debt and it is sometimes difficult for them to bear even the yearly interest devolved on them. What does the department mean to do in cases where the district boards are totally unable to incur any further loan? Will the department allow the causes of the suffering poor to go by default or devise fresh means to come to their assistance? I pause for a reply.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, the question of the suppression of adulteration of food raised by my hon'ble friend, Khan Bahadur Maulvi Azizul Haque, is at present seriously engaging attention of the Government. With reference to his main complaint about the fines imposed by magistrates, I am not a lawyer but as a layman I am of opinion that the Government hardly can interfere with the discretion vested in the magistrates under the Act. I do not know, Sir, if anything can be done through the back-door. But I shall put myself in communication with the Political Department to see if I can do anything in the matter, though personally I do not like interfering with the discretion of magistrates.

I think the Khan Bahadur is aware that recently we have introduced two Bills in the Council to strengthen our hands in dealing

with adulterated food and we have also provided a grant to enable district boards to establish district laboratories for examining food samples and I might say that Government are thinking about appointing a small committee to further examine the question of food adulteration and advise Government on the line of action to be taken in the matter. I think this will satisfy my hon'ble friend the Khan Bahadur and he might see his way to withdraw his motion.

5 p.m.

The scheme referred to by Mr. S. M. Bose, if I am permitted to say so, was of the crudest character. It was however critically examined by the Public Health Department and certain definite schemes were formulated by that department. The first one, namely, the rural health unit scheme was introduced in Bengal some three years back and has been since vigorously pushed on and by the end of this year we hope to have a sanitary unit attached to every thana in Bengal. That is one part of the scheme which has already been given effect to.

With regard to the loan policy, the Hon'ble Sir Provash Chunder Mitter prepared a scheme under which a sum of rupees one crore could be raised as a loan to push on works of public utility of a sanitary character. When his proposals were circulated for opinion to the local bodies it was found that almost every local body had a special proposal of its own. All attempts to bring about a co-ordination among their proposals have so far proved abortive. The position of Government in this matter is rather peculiar. We are almost in the position of an advisory body. If our advice be brushed aside by any of these self-governing local bodies I do not think we can do much in the matter. Well, Sir, having failed in our attempt to secure a unity of principle for a vast subject like rural public health we have now prepared a scheme, I might say a modest scheme, under which loans could be advanced to district boards for rural water-supply at an easy rate of interest. The details of that scheme were placed before the House in reply to a question put by Mr. Bijoy Prasad Singha Roy and I hope that the members are now familiar with it. This year we have provided a sum of Rs. 6 lakhs to be advanced as loan to local bodies for rural water-supply. We are trying our best to popularise that scheme and we hope for good results in the course of the year. I assure the members that the resources of the local bodies as well as of the Government are sufficient for the purpose of raising a loan of quite a decent amount but the real difficulty lies with the desire and capacity of the local bodies to fully utilise the loan. We are trying to enthuse local bodies so that they may come forward and shoulder their duties and responsibilities and bring relief

to the people. I hope our efforts will not go in vain, and in view of the attempts that we are making I will request the mover to withdraw this motion too.

With reference to the remarks made by my friend the Maharaja Bahadur of Dinajpur I might say that I explained our policy with reference to the water-supply problem in Bengal when replying to the budget debate and I do not propose to tire out the House by repeating it over again. I would, however, remind my friend the Maharaja Bahadur that we propose to spend a sum of Rs. 12 lakhs on water-supply next year and I hope this would go a long way to bring relief to the suffering public in our villages.

Khan Bahadur Maulvi AZIZUL HAQUE: In view of the assurance given as regards Food Adulteration Act, I beg leave of the House to withdraw my motion.

The motion of Khan Bahadur Maulvi Azizul Haque was, by leave of the Council, withdrawn.

The motion of Mr. S. M. Bose was then put and lost.

Mr. PRESIDENT: I propose to have one discussion on motions 410 to 415. I shall take No. 409 along with motions which relate to head "33.—Public Health."

The following motions were called but not moved:—

Mr. S. M. BOSE: "That the demand of Rs. 3,50,000 under the head '33C.—Expenses in connection with epidemic diseases' be reduced by Rs. 10. (To discuss the policy of subsidy to non-official agencies.)"

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: "That the demand of Rs. 3,50,000 under the head '33C.—Epidemic diseases' be reduced by Re. 1. (To draw attention to the necessity of distributing quinine free of cost or at a nominal cost.)"

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 3,50,000 under the head '33C.—Expenses in connection with epidemic diseases' be reduced by Re. 1. (Insufficient provision.)"

Khan Sahib Maulvi MUAZZAM ALI KHAN: "That the demand of Rs. 3,50,000 under the head '33C.—Expenses in connection with the epidemic diseases' be reduced by Re. 1. (To discuss the insufficiency of the grant and the lack of sufficient steps to combat the epidemic diseases.)"

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 3,50,000 under the head '33C.—Public Health—Expenses in connection with epidemic diseases' be reduced by Re. 1. (Insufficiency of grant and the policy.)"

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 40,91,000 under the head "33.—Public Health" be reduced by Rs. 100. (To draw attention to the injustice done to the vaccination inspecting staff by not absorbing them in the rural health organisation started in 1927 or thereabout.)

There is a history about the vaccination inspecting staff in this province. In the beginning these officers were Government servants but in 1927 they were transferred under district boards. Every one knows that the rural public health organisation which has been in existence for some time was not in existence previously. It was as early as the year 1918, that Government took into their consideration the question of organising the rural public health department on a new basis and a circular was issued on the 3rd December, 1918. In that circular defects in the then prevailing organisation regarding public health work in rural areas were pointed out and the necessity of establishing a public health organisation in each district was also pointed out in paragraph 4 of that circular. Later on after giving due consideration to the scheme proposed by the late Mr. C. R. Das the present system was introduced by Government. Before that was done, in the year 1925, in a circular dated 26th March it was distinctly stated that the staff of paid vaccinators and vaccinating inspectors and sub-inspectors should be absorbed in the rural public health organisation which was proposed to be started. Subsequently it was found necessary that these people should be given some hygienic training. They were accordingly given six months' training at Government cost and then it was declared that they were quite fit for rural health organisation work. After that what came to pass was very extraordinary. Under the new scheme of rural public health organisation it was decided that the whole of the province should be divided into as many units as there are thanas, so each thana became a health unit and a sanitary inspector was placed in charge of each health unit. Curiously enough these officers, i.e., the vaccinating inspectors and sub-inspectors, although they had the requisite hygienic training were not absorbed in the new rural health organisation. It will be seen that Government admitted that these officers who had the requisite training were quite fit for rural public health organisation work. We find that in letter No. 4650 P., dated 8th March, 1927, from the Director of Public Health, Bengal, to the Secretary to the Government of Bengal, Local Self-Government Department, it was stated that all temporary unconfirmed sub-inspectors and inspectors who

underwent a course of six months' training in practical hygiene and sanitation had satisfied the standard of test and were fit for working under the rural health organisation scheme.

5-15 p.m.

They are, therefore, eligible for permanent service as sanitary inspectors with effect from the date of their transfer. Sir, all these officers who have got training in hygiene were expecting that they would be absorbed in the rural health organisation, but unfortunately later on steps were taken by the Public Health Deparmtent which frustrated all their hopes. Subsequently they were told that they were not suitable for being taken in the rural health organisation, and, therefore, they were told definitely that they could not hope for any further improvements in the conditions of their service. Sir, this has caused a good deal of heart-burning, and I think they have got a legitimate grievance against this decision of Government. If they were not to be absorbed in the rural health organisation, what was the necessity of giving them training in hygiene, and what was the necessity for Government incurring a good deal of expenditure for the purpose? During the period of their training their allowance was very inadequate. They were paid at the rate of Rs. 30 per month, which was not at all adequate for their lodging and boarding expenses during their stay in Calcutta. These vaccinating inspectors and sub-inspecotrs are quite efficient people, and many of them are educationally as qualified as the sanitary inspectors. The latter are generally matriculates, some are I.A. or I.Sc. passed men, and some are non-matriculates. Among the former also, some are matriculates, and some read up to the I.A. or I.Sc. standard. Therefore, educationally many of them are as qualified as the sanitary inspectors. Moreover, they have the requisite training, and they are practically doing all that the sanitary inspectors are doing. Their duties are not confined to vaccination work only, but they are performing duties which are generally done by sanitary inspectors. These sanitary inspectors, when they pass their examination, have to take some sort of training under these vaccinating inspectors, who as an irony of fate are subsequently placed in positions inferior to that of the former. This is a state of things to which I would call the serious attention of the Hon'ble Minister, and I hope that something will be done to remove the injustice done to these men. It cannot be said that they are unfit: they have got training as sanitary inspectors, and there is no reason why they should be considered as unfit. There is another point to which I want to make a reference. It is said that these men have not got any engineering training. Well, Sir, sanitary inspectors have no doubt got some rudimentary training in engineering. In rural public health work

this engineering training is of no use. Therefore, although vaccination inspectors and sub-inspectors have not got this training, they are under no disadvantage for working as sanitary inspectors and being placed in charge of health units.

The pay of these inspectors and sub-inspectors is very inadequate. Their number is small: there are 17 inspectors and 63 sub-inspectors in the province in all. The pay of the inspectors is Rs. 50—55—60 and that of the sub-inspectors Rs. 30—40, whereas the sanitary inspectors' scale of pay is Rs. 50—5—100. Besides that the latter have got a very liberal scale of allowances, which make their total remuneration much above that of the vaccinating inspectors and sub-inspectors.

The following motions were called but not moved:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 28,31,000 under the head '33B.—Public Health—Grants for Public Health Purposes' (page 237, Civil Estimate) be reduced by Re. 1. (Insufficiency of grant and policy)."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 1,00,000 under the head '33.—Public Health—Anti-Kala-azar Campaign' be reduced by Rs. 10. (To raise the question of the future policy of Government in connection with the kala-azar work)."

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. C. W. Gurner): Mr. President, Sir, I have been asked by the Hon'ble Minister to reply to this motion as it deals with correspondence and arrangements which were made before the Hon'ble Minister took over charge, and with a subject on which he has not yet had the opportunity of passing final orders on representations received. I should like to say in the first place that I approach the subject with some diffidence, for naturally I do not want to feel that anything I say should act harshly on a poorly-paid class of employees who are carrying out in the districts necessary work—if humble work—conscientiously, to the best of their abilities, and in a manner essential for public health as a whole. The task of vaccination is humble compared with other branches of sanitary inspection work, but it is work on which the well being of the villagers depends.

Now, in the very few moments at my disposal I shall try to meet the points made by the mover generally, and his chief point was this: that these vaccination sub-inspectors and inspectors were educationally qualified for the higher work of sanitary inspectors and had been declared to be so in 1927. It does seem to be the fact that originally there was some idea that it would be possible to absorb the greater proportion of vaccination inspectors and sub-inspectors transferred to district boards in the staff of inspectors created under the rural health

unit scheme. But it very soon became apparent that the educational qualifications of these inspectors and sub-inspectors whose whole life had been spent in vaccination work were really not up to the standard required of men on the staff of the rural health unit. After all we pay these officers handsomely, and when the Government of Bengal are spending rupees twelve lakhs a year on the scheme for rural health units it is as much in the interests of district boards as of Government that we should require a certain standard of educational qualification, of intelligence, of aptitude for new training (hear, hear) from men who are to receive this pay. The Director of Public Health, as soon as he put the matter to the test, was reluctantly forced to the conclusion that the majority of these vaccinating sub-inspectors and inspectors were not really susceptible of the new training, the new ideas to be put into men who are to be entrusted with the mission of looking after the health of rural units. I think I am right in saying that six sub-inspectors have been taken out of the grade of vaccinating sub-inspectors and transferred to that of sanitary inspectors in rural health units. And these men have the higher prospects before them. It is open still to the younger of the vaccinating inspectors, who have the intelligence, the capacity, to receive this new training, which is essential for this new work, to go up for the examination for sanitary inspectors and by passing this examination enter on the higher career.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The motion that a sum of Rs. 40,91,000 be granted for expenditure under the head "33.—Public Health" was then put and agreed to.

The time limit having been reached the following motions under the head "33.—Public Health" were not put:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 40,91,000 under the head '33.—Public Health' be reduced by Rs. 100. (On the ground that the sum is quite inadequate for improving public health in Bengal, and that the major portion of this sum is being spent on the department and for the salary of highly paid officers and not improving health of villagers.)"

Maulvi MUHAMMAD HOSSAIN: "That the demand of Rs. 40,91,000 under the head '33.—Public Health' be reduced by Re. 1. (To draw attention to the inadequacy of the grant for waterworks at Barisal to help the Barisal Municipality.)"

Mr. SARAT CHANDRA BAL: "That the demand of Rs. 40,91,000 under the head '33.—Public Health' be reduced by Re. 1."

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 40,91,000 under the head '33.—Public Health' be reduced by Re. 1."

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 40,91,000 under the head '33.—Public Health' be reduced by Re. 1. (General policy with reference to backward classes.)"

34.—Agriculture.

MINISTER in charge of AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 25,55,000 be granted for expenditure under the head "34.—Agriculture."

This budget provides for the Agriculture Department, including Botanical and other public gardens, the Civil Veterinary Department, and Bengal Veterinary College and the Co-operative Department. Very little explanation is required in regard to this budget. The estimates provide for the normal requirements of the departments except for small increases due to increments to officers and their staff.

In the Veterinary budget there is a small provision of Rs. 3,675 for the installation of a cold storage plant for serum at the Bengal Veterinary College. The college has at present a serum cellar, but it does not give sufficiently low temperature to keep the biological products potent which is essentially necessary for the success of inoculation work.

Turning now to the Agricultural budget, I would mention that substantial progress has been made with the scheme for the improvement of cattle in Bengal by the provision of stud bulls for co-operative societies and private individuals, which has been in operation with effect from 1928-29. Twenty bulls have been supplied to private individuals in nine districts, and a number of co-operative societies have also been started. It is therefore, proposed to continue the experiment next year at an estimated cost of Rs. 13,036.

It is hoped that by this time sufficient experience will be gained to enable Government to come to a definite decision as to its permanent adoption or otherwise.

In order to disseminate the knowledge of improved methods of agriculture to the cultivators, it is proposed to purchase 3,400 ft. of films on jute, rice, sericulture and cattle improvement at a cost of Rs. 1,275 from the Publicity Officer, Indian Railways. These will be shown as exhibitions and fairs in the mufassal. They will also be loaned to the local bodies for similar purposes.

Provision has been made for the collection of statistics of wages of agricultural labourers in the province. This census which is held quinquennially is of considerable economic importance and will be

carried on in the years 1930-31 and 1931-32. The labour question has recently been very prominent; and up-to-date statistics of earnings of labourers are, therefore, very necessary. Prices of commodities are also fluctuating, and it is important to know to what extent the wages of labourers are fluctuating with them.

The Viswa Bharati Institute is doing valuable work in its agricultural branch at Santinekatan, Bolepur. To enable the institute to develop this branch of its work it is proposed to make a non-recurring grant of Rs. 9,000 spread over three years. A provision of Rs. 3,000 has accordingly been made in the estimates for next year.

Rupees 4,854 has been provided for the preparation of a complete manual for the Agriculture Department including the sericultural section. The necessity for such a manual for the guidance of officers of the department cannot be over-estimated, inasmuch as many accounts irregularities can be avoided thereby.

The estimates for the Co-operative Department include provision for the pay of 46 auditors appointed in December last and 53 additional auditors and 2 Inspectors to be added next year. The co-operative societies pay audit fees which are credited to Government, and this staff is required for auditing the accounts of the increasing number of co-operative societies.

Under the "Works" head of the Agriculture budget provision has also been made of Rs. 20,000 for repairs to the river bank revetment and Rs. 6,787 for repairs to certain buildings in the Royal Botanic Garden, Sibpur. Rupees 8,211 has also been provided for additions and alterations to certain buildings of the Rangpur cattle farm.

Mr. PRESIDENT: For the convenience of the House I would like to divide the motions which we shall have to deal with presently into four groups: one to come under "Agriculture" general, the second under "C. S. P. C. A.," the third under "cattle breeding and veterinary," and the last under "co-operative credit." I, therefore, propose to have one discussion on all motions under the first head. This will take in motions Nos. 422 to 439, and also motions from Nos. 449 to 552. They all relate to Agriculture in general.

Khan Bahadur Maulvi AZIZUL HAQUE: With your permission, Sir, may I move motions Nos. 422 and 431 together? I am not moving Nos. 428 and 429.

Mr. PRESIDENT: Yes, certainly.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 5,600 under the head "34A.—Agriculture—Superintendence—Travelling allowance" be reduced by Rs. 10 (to urge that the office of the Director of Agriculture should be located in Calcutta).

I beg also to move that the demand of Rs. 11,88,000 under the head "34A.—Agriculture" be reduced by Rs. 1,000 (for the failure of the Agricultural Department to tackle the problems of agricultural and rural welfare in improving the material and economic condition of the people).

Sir, to avoid misunderstanding let me state at once that I am neither proposing the removal of the Dacca Farm nor the agricultural research laboratories nor the agricultural institute from Dacca. I only propose that the Director of Agricuture should have his office located in Calcutta. As a matter of fact the office of the Director of Agriculture and his quarters are at least four miles off from the Dacca Farm and is a distinct organisation from the research and farm activities now stationed at Dacca. The Director is the administrative head of the Agricultural Department. Formerly the post was filled up from the ranks of the Indian Civil Service, but it was soon felt that the Director of Agriculture has to make his decisions and deal with subjects requiring technical knowledge. It was moreover necessary to keep up greater continuity in the department, which was not possible owing to frequency of transfers which was necessary and almost inevitable so long the members of the Indian Civil Service filled up the post. The Director of Agriculture therefore ceased to be an I. C. S. post and a technical man was appointed in his place. But in any attempt to deal with agricultural progress of a country as also the control of an agricultural department the head of the department has always to deal with large number of matters that cannot be dealt with by experts. He is brought at once into close relation with the people, their habits and their condition. He has to come into close association and contact, and has to keep himself in touch with the activities of other departments of Government. He has to direct the enquiries to be followed by agricultural experts in meeting the agricultural problems of the country. He has to direct the study of the requirements of the different districts and their agricultural practices. In short he to be a real director is to be in touch with the needs of the people and acquainted with the developments of agricultural researches made by the different officers of this Government as well as of other research stations in India, as also to organise the works of the department as also to make these known to the people.

Judged from this standard, the Director of Agriculture has failed in its purpose. As a matter of fact, the Retrenchment Committee definitely recommended the abolition of the post, suggesting that the departments of Industry, Agriculture, and Co-operative Credit should have one officer at the top, viz., the Development Officer. It definitely recommended the location of the Agricultural Department in Calcutta, so that the administrative head may be in direct touch with the Minister-in-charge. But the present position is simply anomalous.

He stays at Dacca—safe from contact with public opinion, often beyond the easy reach of the Minister or Member and the Secretary, and almost outside the town of Dacca. He is there, amidst his flock, the Assistant Director of Agriculture, the Deputy Director of Agriculture, the Agricultural Chemist, the 1st Economic Botanist, the 2nd Economic Botanist, the Assistant Economic Botanist, the Assistant to Economic Botanist, the Entomologist, the Mycologist, the Cattle Expert, the Agricultural Engineer, not to speak of the many other smaller fries. Detached from the Secretariat, without the assistance of Government records and library, he is free to confess before the Royal Commission on Agriculture, his ignorance as to the nature of the effect of railway and road transport in the agricultural development of the presidency, free to confess that Agricultural and Sanitary Improvement Act VI of 1920 is an Act to provide for money to be advanced to cultivators for the excavation of drainage and irrigation channels and may plead his ignorance as to the amount of charges for water in irrigation areas.

It may be argued that the Director should be near the research station at Dacca. This is absolutely fallacious. Is it to be understood that the expert officers are mere novices in their own lines or children that the master and the rod must be near at hand? At present the expert officers meet in informal committees to discuss the works at the farm, but otherwise they are not fettered in any way to make their own research. The expert officer does not require anybody's approval and the matter is left largely to his discretion. According to Mr. Finlow himself before the Royal Commission, the Director comes in for general supervision and suggestion more than actual direct control. "They can normally pursue any piece of research without any consultation." Is it to be understood that still the Director must remain at Dacca only to see that the *hajiras* are daily signed? Is the Director's presence at Dacca absolutely necessary? I would draw your attention to some figures so far as the Director's tour is concerned, from which it will be seen that most surprising things happen in the Agricultural Department. It seems that the research officers who are supposed to work in the laboratories are always out from the station, in addition to the leave they enjoy, for about 150 days in the year, in spite of the fact that complaints have been made that the District Agricultural Officers cannot carry on propaganda work for want of funds to meet their travelling expenses. In addition to about 100 Sundays and holidays, the Director went out on tour in 1926-27 for 140 days, in 1927-28 for 131 days, and in 1928-29 for 162 days. So on an average he is actually not in the farm for 200 days in a year, and surely the farm does not crumble down in his absence. After all, I am not saying that he must not go to Dacca if he comes to Calcutta. He can go there for quarterly and

seasonal inspections and can stay there for sufficiently long period to be acquainted with the result of researches and experiments. Will it be more costly than the present? I am sure, it will not be. One of the reasons of his so many tours is the necessity of his frequent visit to Calcutta for reasons more than one; Calcutta is the second city of the empire, the queen of the east, and the centre of brains of Bengal, where people have to come every time and on many occasions, and it is for these reasons that the heads of all the departments are there. I hope that this is sufficient for me to explain why the Director of Agriculture should be in Calcutta.

I will now come to the departmental budget. The total budgeted expenditure this year in the Agricultural Department is roughly about Rs. 13½ lakhs. From this amount we may deduct about Rs. 2 lakhs, the amount spent on Botanical Gardens and public gardens as these are not necessary for the agricultural development of the country. From the balance of about Rs. 11½ lakhs, we have further to deduct about Rs. 2½ lakhs which is spent on sericulture, leaving a net balance of Rs. 9,30,300 for expenditure on agriculture proper. Now, the present staff of the department consists of 1 Director of Agriculture, 2 Gazetted officers, 3 Deputy Directors, 12 other Gazetted officers, 143 technical officers, 30 Superintendents, and the officers of the agricultural school. This costs about Rs. 3,78,000 but out of this amount, only 19 officers at the top get about Rs. 2 lakhs and the remaining 180 members of the technical staff, the demonstrators and district officers get only Rs. 1,91,000. Nowhere outside India is such a great disparity between the upper and the lower grades of officers. Then, in addition to these highly paid and lowly paid officers there are about 70 clerks costing about Rs. 66,000, Rs. 17,000 is spent for servants, Rs. 21,000 for temporary establishment, and Rs. 81,000 for travelling allowance. The sum total of these establishment charges including temporary establishment and travelling allowance is Rs. 5,62,272 out of the budgeted amount of Rs. 9¼ lakhs for expenditure on agriculture. I request the House to mark this figure Rs. 5½ lakhs which is spent on establishment and their travelling allowance out of the total budgeted expenditure of Rs. 9¼ lakhs. I will show to you from the departmental report that the Board of Agriculture had only one meeting in 1927-28, the Silk Committee had only one owing to lack of travelling allowance and the Cotton Committee could not meet in 1928-29 for insufficiency of travelling allowance provision. The provision of travelling allowance for officers is very small, and "more work might have been done, provided they could be given a free hand in their tours in the district." "The provision for travelling allowance was very limited and thus the officers had to curtail their tours to a considerable extent. For regular supervision of existing work and for

arranging new work in the districts, more provision under this head is badly needed." These are all in the departmental report. Further the demonstrators cannot go beyond 5 miles of their jurisdiction, as there is not travelling allowance provision. But, Sir, the expert officers, who are supposed to carry on researches in the laboratories—the Economic Botanist, the 2nd Economic Botanist, the Agricultural Chemist, the Mycologist, the Entomologist, and every "ist" in the department makes a tour of more than out of proportion. I will just compile the figures and you will be astonished to see that these gentlemen spend their days on tour and not in researches.

	Tour in one year.	Tour in another year.
	Days.	Days.
The Director of Agriculture ...	162	131
Economic Botanist	84	88
Economic Special Officer	117	
Mycological Assistant	50	59
Entomological Assistant	88	70
Fibre Expert	78	84
Fibre staff	70	176
2nd Economic Botanist	78	80
2nd Economic Botanist staff	180	210
Agricultural Chemist	85	52
Assistant Agricultural Chemist	25	58
Assistant to Agricultural Chemist ...	98	60
Deputy Director, Eastern Circle ...	157	190
Deputy Director, Western Circle ...	126	135
Deputy Director, Northern Circle ...	104	138
Live-stock Expert	135	
Agricultural Engineer (in six months) ...	67	

But the demonstrators and district officers whose duty is to demonstrate the results of the researches to the cultivators are not able to tour because of the shortage of funds.

5-45 p.m.

Sir, I submit that the state of affairs is such that it calls for a drastic remedy—more drastic than I can perhaps imagine.

I will convince you that the Agricultural Department now exists only or probably mainly for the purposes of jute trade, jute forecast,

jute seed distribution and for nothing else. In the departmental report you will find that the officers of the department are complaining that their only work now is jute forecast and jute seed distribution and that owing to the shortness of travelling allowances they cannot do any other work.

It will also be seen that the districts growing jute get a very large amount of preference in the distribution of officers. Dacca has in addition to so many officers got one District Agricultural Officer, Mymensingh has got three, Faridpur has got one, Bakarganj one, Tippera one, Chittagong one. Noakhali has not even got one officer. The Eastern Circle has thus got 8 Agricultural officers with 24 demonstrators distributed over 7 districts, while the Western Circle has got only 11 officers and 14 demonstrators distributed over 11 districts and 40 subdivisions and the Northern Circle 8 officers and 28 demonstrators spread over 7 districts and 16 subdivisions.

Excluding the farm work the fact is that for each district in jute area in Eastern Bengal there are three demonstrators one of whom acts as a clerk, the same is the case with North Bengal, but for the Western and Central Bengal there is only one demonstrator who acts as a clerk and not as demonstrator. It will be interesting for you now to know as to what the department is doing. Mymensingh produces 31 per cent. of the total production of jute in Bengal. Next come Dacca, Tippera, Rangpur, Faridpur and Pabna. All these six districts together produce 70 per cent. of total jute in Bengal. Jessore, Rajshahi, Bankura, Nadia, Dinajpur and the 24-Parganas come next in the list with their total yield of 18 per cent. Then come Noakhali, Bakarganj, Jalpaiguri, Malda, Khulna and Murshidabad, all with an yield of only 9 per cent., while Hooghly, Howrah, Midnapore, Burdwan, Darjeeling and Chittagong together produce only one per cent., while Bankura and Birbhum produce nothing.

Sir, let us see to the policy of the distribution of jute seeds. What is the use of conducting experiments in areas where jute cannot be produced with profit? According to the administration reports, quality tests have been going on in collaboration with representatives of jute trade of Dundee and Calcutta for the last six years, and the experts say "Quality is determined mainly by conditions in which it is grown." "Locality, environment and seasonal conditions have more to do with the quality of the fibre than the seed or the race..... ..... Question of quality is decided chiefly by environment. Only the best quality of fibres are obtained where there is plentiful supply of gradual moving water on the spot at the steeping time, such as is available in Mymensingh, Dacca, Rangpur and Tippera." They further say that "it is a formidable task to carry the crop even for a mile for steeping purposes. It means 400 maunds of crops to carry. Cultivators get Rs. 8 to 10 per maund for good quality and Rs. 7 per

maund for poor quality. This is not sufficient inducement for them to make better arrangement for steeping or to carry his crop some distance." Sir, I admit that the departmental seed is better than local seed so far as yield is concerned. But one would expect in the face of the above statements that jute work should not be encouraged in districts where there is hardly any chance of any good yield. I hope I shall not be misunderstood. I do not want jute-growing to be discouraged. My position is this: that jute production ought to be concentrated in only a few districts where according to the departmental report "there is a gradual moving water-supply." Those who are acquainted with the state of affairs in Bengal will agree with me that as a matter of fact beyond the few districts I have named, you cannot get gradual moving water-supply at the steeping time at any other place. To encourage production at places where obviously it cannot be profitable except by pure accident, negotiations were made in 1925-26 with the London Jute Association for money to distribute jute seeds in areas where departmental seeds are not grown. Sir, here with your permission I want to go back a little to trace the history of this jute seed affair. Departmental seeds were probably sent out in 1915. Seeds then were sold out to the people through the department and the value of jute seed charged in 1919-20 was Rs. 20 which, according to Government reports, just covered the cost of production. In 1918-19, 1,000 maunds of seed were sold and 600 maunds distributed. In 1919-20, 1,800 maunds were sold. In 1920-21 there was a great demand but only 800 maunds were available. This was really a seed shortage. I would not enquire whether there was any definite policy behind this shrinkage. But, Sir, a seed policy was framed; distribution is thereafter to be concentrated in seed producing areas; trials for seed production were arranged with the agricultural associations and such trials were to be encouraged. In 1921-22 this seed supply scheme was further developed and a net-work of private seed farms was utilised and also organized by the agricultural associations for formation of seed farms. In 1922-23 a considerable development of private seed farms took place in Rajshahi, Nadia and Rangpur. Seeds were in great demand and 1,500 maunds of available seeds were disposed of in a fortnight at price well above the bazar price and "there were thousands of rupees profit by Government." In 1923-24, 1,800 maunds of seed were sold and there was no suggestion that the department was unable to cope with the work of seed sale. But why should the Government get any profit! So it was decided that this profitable business should no longer be run by Government and that it should be made over to one Mr. Godden who was connected with some Steam Shipping Co. at Narayanganj, and Mr. Godden was appointed agent for retail sale even though as a matter of fact Government was to arrange for production, to test the seed and to actually distribute them. The price of seed became higher as Mr. Godden must make his

own profit. In 1924-25, 827 maunds were sold at Rs. 32 per maund. 1925-26 was the year of the highest recorded price when 3,000 maunds were sold. Sir, the year of high price is always the best for stimulating over-production. So as a result of negotiations with the London Jute Association, as referred to before, it was decided to spend Rs. 20,000 annually for five years for distributing jute seeds in areas where they are not grown. Sir, the Director of Agriculture must have known that the demand would fall and so further negotiations took place by which the Indian Jute Mills Association offered to guarantee loss up to 2½ lakhs of rupees if Mr. Godden incurs loss. Sir, I ask the Department of Agriculture why was it necessary to make an arrangement of this nature to guarantee loss at a time when the price was high? Why should the Indian Jute Mills Association make arrangements for compensating Mr. Godden for any loss that he might incur? At that time no steps were taken either to make the producers known or to restrict seed supply. Mr. Finlow in his Administration Report may wax eloquent at the generosity of jute trade. Feverish efforts were, however, made to push on production even at the sacrifice of other departmental works. It was very convenient to the Indian Jute Association to stimulate production but I submit it was not in the interest of the Agricultural Department.

In 1926-27, 5,782 maunds were produced of which 3,708 were sold and Nadia alone, which is notorious for malaria, was made to consume 510 maunds. Now, Sir, it was estimated by the Agricultural Department that Nadia should take 2,500 maunds of jute seeds for the year which meant that jute should be grown on an acreage of 10 lakhs. Now, Sir, Malda took 60 maunds, Rangpur 91 maunds, Bogra 40 maunds and 300 maunds were taken by Mymensingh, Tippera and Noakhali. In 1927-28, 2,000 maunds were sold and 100 maunds distributed in Burdwan which is 22nd in the list of production, in Hooghly which is 19th in the list, in Howrah which is 20th in the list, in Jessore which is 7th in the list, in Nadia which is 10th and in the 24-Parganas which is 12th in the list. The price of jute seed has been slowly raised to-day to Rs. 40. In the Royal Agricultural Commission Mr. Finlow was asked if Rs. 30 was not a high price. According to the departmental report Rs. 20 covers expenses and cost of production and at Rs. 30 large profits were made. Now the sale of jute seed is mainly confined to two districts, Faridpur and Dacca, and all here are sold through the agricultural farms. In the former district 1,327 maunds were sold in 1927 and in Dacca 885 maunds. Now, Sir, you have numerous private seed farms through which you are selling paddy seeds. The Eastern Circle has got 48 private seed farms, the Western Circle 81 and the Northern Circle 37 and 12,000 maunds of paddy have been distributed through them. Am I to understand that it would be impossible to distribute jute seed by these seed farms?

The Fibre Expert is entirely devoting himself to jute experiments. They are always trying to produce jute where cultivators cannot possibly take to jute owing to the condition of the soil. You are thus wasting public money by producing and experimenting with jute at Government farms in places where they cannot be produced and at places where cultivators cannot take to jute owing to reasons of climate, surrounding, water-supply, etc. Manurial experiments are being made with ammonium sulphate, and cultivation experiments are being made in all district farms and yet the departmental report throughout complains that district works are suffering—"what with jute forecast and jute seed free distribution, progress of demonstration is slow and propaganda is not done." In 1927-28 Mymensingh only spent a little time for district work; Faridpur complained of being hampered very much in its district work; Barisal was hard-put to manage its district work; Tippera had not much time for district work. The travelling allowance is finished in jute forecast work and you spend it in coming from Dacca to far off stations and farms to find out if jute work is well done there.

6 p.m.

I ask this department one question. Mymensingh is admitted to be one of the finest jute-producing districts in Bengal. But how is it that for Nadia you estimate 2,500 maunds of jute seeds, but Mymensingh, the most fertile district with 3 district officers and 8 demonstrators and with one-third of the total acreage under jute cultivation, does not consume more than 100 maunds of departmental jute? This is the most significant thing, Sir, to condemn the whole thing. From the point of view of experts of the department who are on a different plane from us, laymen, there may be an answer but from the common sense point of view I think there is no reason why Mymensingh cannot consume more than 100 maunds of departmental jute seeds, if it is so good as you represent.

Then, Sir, I shall go in some detail into the question of water-hyacinth: In 1918-19 we find in the departmental report that the Agricultural Department sets up experimental plant for the preparation of pure salt from water-hyacinth. It was found rather costly and then advised the proverbial method of "catching and killing," viz., collect, burn and use it as manure. In 1919-20 the Deputy Director, Eastern Circle, is making interesting experiments to ascertain the amount of labour in completely clearing water of tanks. Other trials designated to compare different methods of cleansing are projected. In 1920-21 the life history and distribution of the pest is said to be receiving attention; but it is said isolated attempts are useless and the function of the Agricultural Department is said to be purely advisory.

Next year, in 1921-22, a water-hyacinth committee is formed with the Director of Agriculture as Secretary to advise Government on the best way of combating the pest. In 1922-23 the committee reports that the problem is enormous. The only course is to concentrate on investigation with the object of dealing with the pest if the damage constitutes a national danger. In 1923-24, in spite of the committee's advice to the contrary, the Griffiths' formula is purchased by the department The *pundits* of the Agriculture Department certify that "an effective remedy is already in our hands."

Mr. PRESIDENT: Your time limit is reached, and I cannot allow you to speak further.

Khan Bahadur Maulvi AZIZUL HAQUE: But, Sir, I have two motions.

Mr. PRESIDENT: I might tell the House that the guillotine will fall at 6-55 p.m., in respect of the demand under discussion. I made it clear last night and let me emphasise the point to-day that my classification of motions does not impose any restraint on any member of the House and a member is entitled to speak on any amendment at any time after it is moved, provided he catches my eye.

Mr. W. L. TRAVERS: I will preface my remarks which are in the nature of a general criticism of the Agriculture Department of Government by saying that I am not criticising the present Minister at all. He has only been in office for a very short time, and whatever his abilities may be or may not be, he had at least had no opportunity to recast the policy of this department. Neither do I wish to criticise the senior officers of the Agriculture Department; on the other hand I would wish now and at once to pay a tribute to their services to this province. I think there is a no more devoted body of men who have rendered good service to Bengal than the Agricultural Officers in the senior service. The only thing that I have to say is that their number is miserably insufficient and they have no money worth speaking of to carry their schemes into execution but they do very well indeed with what they have.

My first point is a large one. When is the Government of Bengal going to apply everything that can be obtained from the science of economics towards the agricultural problems of the province? There is no doubt that everything that the people want has to come out of the fund of production which comes from agriculture and from the industries of Bengal. The wants of the people, the food of the people, the clothes of the people, education and health of the people must come from

that fund and the only way to increase the food, to increase the wealth of the people, is by enlarging the fund of production and by increasing the crops and the profits of industries in the province. I believe in that relation there are 41 millions of people in Bengal who derive their living from the major industry of the province. I say Rs. 25½ lakhs is miserably and totally inadequate for the progress of agriculture—hopelessly inadequate—and until this Government and the other Governments in India realise that the whole prosperity of the country depends upon the progress of agriculture we shall move forward very slowly in bringing better health, education and more happiness to the people themselves.

Having said that I would make one or two suggestions to draw the attention of the department to one or two directions in which, in my opinion as an agriculturist of 30 years standing in this province, money is required now and at once for the progress of the department, even if a little. The Hon'ble Minister has said indeed that there has been progress; well that progress is so very slow that it is very difficult to see it. I hope that if he stays in office he will increase the pace of the tortoise to that of the hare.

First of all turning to the last report of the department you will see that the question of questions is the Agricultural Institute at Dacca. A number of agricultural committees, the department, several Ministers, several Members of Council in succession, all have approved of the idea of an Agricultural Institute at Dacca and yet nothing has been done. The Institute remains not in being but in the files of the department and when may we hope that a real beginning will be made with this most necessary institution at Dacca? That is one suggestion that I have to make to the Hon'ble Minister that he should at once harry the Finance Department, or whoever has the disposal of funds, to provide sufficient money to proceed with the Agricultural Institute.

Secondly I want to criticise the farms. These farms might, I think, be of tremendous service to the people of the province. From each of them might radiate so to speak a whole series of improvements and improved methods by the raiyats and cultivators. Some of these farms are efficient and from some of these improvements do radiate but there are a large number of farms which in my opinion are thoroughly inefficiently run. To begin with, the chief work that the officer in charge of organisation work does is to fill up forms. That should be his last work after everything has been done outside. His chief work is to sit in the very expensive buildings which are erected on the farms and to carefully copy out returns. In my opinion his chief work should be outside on the farm and he must also see that the work of the farm is properly done. Again each of these farms should have a proper scheme of work, and demonstration drawn up for several years ahead. That may indeed be drawn up but in the one to which I go to in Jalpaiguri if there is a

scheme it has taken many years to come into operation. The demonstrators also in my opinion do not go about amongst the people frequently enough; they remain in their quarters far too much. To make these farms really efficient a whole series of demonstrations must be carried out here and there in all parts of each district of the province. That is all I have to say about farms.

I will further say a few words regarding cotton experiments in regard to the growing of cotton in the districts of Bankura and Birbhum. We know that the red soil of these districts has been denuded but there is a hope that cotton may be made a paying crop there. I read a report about 5 years ago and it was said that an officer "would make the experiment." That officer, alas! has got so much to do that he cannot properly and competently carry out this experiment at all. I suggest to the Hon'ble Minister that he should again harry the Finance Department and find an expert to produce a whole series of experiments for two or three years in those districts. There is no doubt about it that money spent on such an experiment, even if it be considered a speculation, will in reality be an investment. If Bankura and Birbhum carry out the experiment successfully the interest that will come out of the money that you invest will lead to an increase of wealth that will go to those very low districts of Western Bengal.

Another subject in which experiment is badly required is sugarcane. A great deal more can be done by demonstrating to the people how much more they can obtain from the new kind of cane that has been evolved.

Take the report of the department: the main crop of the whole province is paddy. The amount of money that is spent on the paddy experiments and improvement of seeds and so on is Rs. 38,000. For a population of 41 millions engaged in the pursuit of agriculture Rs. 38 lakhs should be spent for the improvement of paddy.

That is all I have to say. I have for several years past got up and inveighed against the Government of Bengal for its hopelessly miserable policy in regard to agriculture in the province but in vain.

Rai KESHAB CHANDRA BANARJI Bahadur: I rise to oppose the motion, Sir. I cannot congratulate the member for bringing forward this motion. The question of the removal of the office of the Director of Agriculture was discussed in the Bengal Council in 1914 on a resolution moved by Maulvi Fazl-ul Huq. Sir, before the reforms were ushered into existence the Bengal Legislative Council used to hold its August session in Dacca.

On the 7th of August, 1917, the leader of the party to which the Khan Bahadur belongs moved a resolution in the Bengal Legislative Council held at Dacca urging Government to locate some of the important

departments at Dacca, and the Department of Agriculture was one of them. The resolution which he then moved runs as follows:—

"This Council recommends to the Governor in Council that a few of the important Government departments to be selected by the Governor in Council be permanently located at Dacca."

And in moving it he spoke as follows:—

"We come back, my Lord, to the first question—is there any genuine demand on the part of the people for the location of some of the departments of Government at Dacca? Your Excellency will find that three years ago, on the occasion of the first sitting of the Legislative Council in this city, I moved an identical resolution. That resolution was, however, defeated, but the reply that was offered on behalf of Government was, if I may respectfully say so, so halting, at least in some particulars and the reasons adduced were so obviously untenable as regards some of the departments concerned, that I thought that better counsels would prevail and that in the course of time I would get what I wanted."

Then he went on to say:—

"I submit, therefore, my Lord, that there is ample justification for Your Excellency's Government to locate some of the Government departments at Dacca."

And further—

"In this connexion, I may respectfully add that the mention of secondary capitals of Poona and Lucknow was purposely made in order that Your Excellency should approximate in your dealings towards Dacca to what His Excellency the Governor of Bombay does towards Poona or His Honour the Lieutenant Governor does towards Lucknow. I do not believe that by only a couple of months' stay of Your Excellency in this city Your Excellency's Government can satisfy the needs and requirements of this part of the province which would be in accordance with the spirit of the famous despatch. I submit, my Lord, that something more is needed. Your Excellency would like to bring the administrative heads of departments into closer touch with the people. I will show how, by locating some of the departments at Dacca, Your Excellency will really be promoting the cause of administrative efficiency. What are the possible departments which can be located at Dacca?————." Then he mentions the Agricultural Department among them.

The Hon'ble Mr. Beatson Bell, in reply to one of the speeches of Maulvi Fazl-ul Huq, said:—

"We may at once say that if he were purely and simply a Director of Agriculture we would move him to-morrow to Dacca. It stands to reason that pure agricultural work can be much better done in the country than in the town, and Dacca is peculiarly suitable for such work."

Then, Sir, Maulvi Abul Kasem, who was a member of the old Council, in supporting the motion of Maulvi Fazl-ul Huq said:—

"If Calcutta has not lost its splendour by the removal of the capital, it is not likely that she would be deprived of her glory by the removal of some particular departments to Dacca, and I think I can say without fear of contradiction, that we people of Western Bengal—and I represent the westernmost part of the province—do not at all object to some of the departments of Government going to Dacca."

Sir, although the resolution was lost, Government after a careful consideration decided in 1918 to locate the office of the Director of Agriculture at Dacca.

Sir, if I remember aright, the Department of Agriculture was at first located at Sabour. Then it was transferred to Calcutta. After the partition of Bengal, in 1905, an agricultural farm was started at Dacca, and lands were acquired and buildings constructed at a cost of about Rs. 20 lakhs. To remove the office of the Director of Agriculture now to Calcutta would mean waste of public money, because Government will have to incur again the heavy expenditure necessary for acquiring land and constructing buildings for starting a new farm.

Sir, I understood the hon'ble mover from the speeches which he had delivered in this House on his motions to be an ardent champion of economy and retrenchment. But I have been disappointed at his attitude on this question. I may draw the attention of the Council to the fact that in a place like Calcutta it is impossible to find suitable land for building a farm. The site will have to be found some 25 or 30 miles away from Calcutta, and that would mean heavy expenditure.

Sir, I do not wish to dilate on the subject, because the facts are too well known to the members of this House to require any elaboration.

[At 6-22 p.m. the Council was adjourned for prayer and it reassembled at 6-32 p.m.]

Rai KESHAB CHANDRA BANARJI Bahadur: Sir, I shall not detain the House long, but shall conclude my speech after offering a few remarks. It has been found by experience that the head of the Department of Agriculture should be in close touch with the officers of the department and the experts who carry on important research work in the laboratory at the Dacca Farm. Sir, it is well known that East Bengal is an important paddy and jute-producing centre, and as such it would be against the public interest to remove the office of the Director of Agriculture to Calcutta.

With these few remarks, I oppose the motion of Khan Bahadur Maulvi Azizul Haque.

The following motions were not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 2,25,000 under the head '34A.—Agriculture—Experimental farms' be reduced by Rs. 100 (for failure to establish the District Agricultural, Cattle-breeding and Dairy Farm at Krishnagar in terms of the original promise of the department.)"

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 13,036 under the head '34.—Agriculture—Improvement of cattle in Bengal' be reduced by Rs. 100 (to ask if the scheme has been initiated in consultation with the Board of Agriculture and the Standing Committee of Agriculture.)"

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The general policy of the Agricultural Department is to set up and maintain higher standards of agricultural products and production, to devise and enforce better methods of farming and ultimately to raise the social, moral and civil life of the people to a higher level by improving their economic condition. It must therefore be admitted on all hands that the task before the department is a very big one and particularly because there is hardly any limit to advancement in the direction of improved production, economic distribution, improvement of breed and indeed in all mental and moral development. The agricultural improvement in a country depends mainly upon two factors, viz., Research and Demonstration. In the words of the Royal Commission on Agriculture "the basis of all agricultural progress is experiment." As a matter of fact, demonstration and propaganda can only follow successful experiment.

Now turning to the activities of the three Research sections of the department I can state briefly that while the Fibre and Botanical experts are mainly engaged in the solution of problems connected with the two staple crops of the province, viz., jute and paddy, the chemical section has devoted its attention to sugar and tobacco problems. As a result of experiment on jute fibre, it has been found that the departmental jute is a better yielder by about 25 per cent. The departmental races D. 154 and Chinsura Green are estimated to cover approximately 1,000,000 acres. They give the cultivator an increased yield of 3 maunds of fibre per acre, or on the aggregate 3,000,000 maunds per annum, valued at Rs. 2,50,00,000. About 3,000 maunds of pure seed of these races are sold each year. Manurial experiments were also conducted in respect of jute and it has been found that the areas manured by ammonium sulphate produced a heavier crop and the value of the extra fibre obtained per acre has been estimated to be Rs. 84 and the cost of the manure Rs. 8. As a result of experiment on paddy seeds by the Botanical section, it has been ascertained that the Nagra, Dudshar and Bhasamanik,

particularly the last, produce the best yield in Western Bengal as Indrasail in Eastern Bengal. The departmental races Kataktara, Charnock, Surjamukhi, Indrasail, Jhingasail and Dudsar are grown over approximately 500,000 acres. The increased return to the cultivator per annum is 1,500,000 maunds valued at Rs. 45,00,000. Research has also been carried on for selection of cotton for Bengal soil with more or less satisfactory results. Investigations have been made into various pests and effective precautions suggested in the localities where the crops are likely to be affected.

The work of the Chemical section on sugarcane and tobacco is also satisfactory. The department has distributed in the districts over 6 lakhs of cuttings of an improved variety of sugarcane C. O. 213. The canes distributed by the department, Tanna and C. O. 213 have doubled the yield to cultivators over an estimated area of 20,000 acres. The cultivators receive an increased yield of 600,000 maunds annually, valued at Rs. 45,00,000. Selected races of Bhengi and Motihari tobacco cover an estimated area of 10,000 acres giving an increased yield to the cultivator of 20,000 maunds per annum, valued at Rs. 4,00,000. Improvements have been effected in the method of curing of cigarette varieties.

It may be mentioned in this connection that in accordnace with the recommendation of the Royal Commission a Provincial Research Committee has recently been formed which will work in close co-operation with the Imperial Council of Agricultural Research. The guidance of the Central Council in all matters connected with Research will undoubtedly be of invaluable advantage to us.

Now turning to demonstration and propaganda, Sir, I can only repeat the observation of the Royal Commission that Agricultural Research can be of no avail to cultivators until its results are brought to their doors in a form in which they become a part of their agricultural practice and the best and quickest method of influencing the practice of the cultivators is to demonstrate an improvement in crop or method on a small plot cultivated under departmental control or direction. The Agricultural Department in Bengal, Sir, is fully alive to the utility of this method of ocular demonstration and has been introducing it wherever possible through Borga system of cultivation under close departmental supervision. Our financial limitation in employing an adequate number of demonstrators is a great handicap in the wholesale introduction of this method all over the province. But it is gratifying to mention that private individuals are taking greater interest and supplementing the departmental efforts in this direction. The number of private farms has substantially increased in recent years. Besides the co-operative societies are materially helping the department in the introduction of selected seeds, approved manures and improved implements.

In view of what I have explained, I hope, Sir, it would now be conceded that the Bengal Agricultural Department has a policy and that policy has already been productive of much good to the country.

Turning now, Sir, to the question of agricultural education it must be admitted that such an education can only be given at a place where there is a big experimental farm and where expert officers are available for giving instructions. Such a place, Sir, is Dacca and our aim has been to establish an agricultural institute there. But here again, Sir, we have been handicapped for want of funds in giving effect to this important scheme. It is, however, gratifying to mention that the Punjab Scheme of Agricultural Training Classes for the teachers of high and middle English schools has proved successful within the short period of its introduction, so much so that the full complement of 30 teachers provided for in the scheme is now under training and more schools are eager to come under the scheme.

Lastly, Sir, cattle-breeding is another important aspect of the activities of the department. The premium bull system recently introduced has been working satisfactorily in most places and it is hoped that the system will be popular.

6-45 p.m.

Now, as to my hon'ble friend Khan Bahadur Azizul Haque's motion urging the location of the office of the Director of Agriculture at Calcutta, I would repeat what the Rai Bahadur said that it was the leader of the Praja Party, Mr. A. K. Fazl-ul Huq, who moved a resolution at a meeting of the Bengal Legislative Council held on the 4th August, 1917, recommending that the Agricultural Department and certain other departments of Government should be located permanently at Dacca. The question was carefully examined by the Government of Bengal and the office of the Director of Agriculture was removed from Calcutta to Dacca in 1918. There are, in the opinion of the Government, special circumstances which differentiate this department from other departments. The Director must in any case spend a considerable portion of his time at the chief Government experimental farm which is situated at Dacca. The headquarters of the Agricultural Department in some of the other provinces, e.g., Bombay, the United Provinces and Burma, are situated away from the headquarters of Government. This arrangement, which has now been tried in this province for twelve years, has been of considerable advantage. The presence at Dacca of the Director, who is an expert officer, has been of great assistance from the point of view of supervision of the experimental work which is being carried on at the Central Agricultural Station there and the co-ordination of the work of the expert officers with that of the demonstration staff. The needs of other parts are, at the same time, not neglected as the Director of Agriculture visits these in the course of his tours, which are adequate and

sufficiently protracted. I would add that the transfer of his headquarters to Calcutta would entail a considerable expenditure in the shape of Calcutta house allowance to himself and his staff.

The question of an improvement in the system of seed distribution was discussed at a meeting of the Standing Committee on Agriculture held on the 19th instant when it was settled that the Director of Agriculture should suggest rules whereby applicants for seeds would send in their requisitions well in advance accompanied by a deposit of a percentage of the price as a token that they would ultimately take the supply indented for. Those who apply in advance will have the first claims on the supply available. It is expected that the new rules which will be in operation before the next season will greatly improve the system of distribution.

The distribution of good seed is an economic advantage. The heavier the crop per acre the more land is released for other crops. This is an advantage which no one can deny.

Re Mr. Godden's agreement it expires next year. All prices are fixed by the department and every maund of seed is tested at Dacca before issue at Mr. Godden's expense. No seed under 90 per cent. germination is passed for issue. The department thus secures an annual issue for good pure seed of guaranteed germination.

Now, Sir, regarding water-hyacinth, I would say at once that Government are as much concerned in the solution of this problem as the mover himself. I would also assure my friend that Government have not been altogether idle in the matter and that various attempts have been made in the past to grapple with this question. These attempts were in various directions, as for instance—

(1) action by the local bodies by the framing of bye-laws under the Local Self-Government Act to enforce compliance with notices for the clearance of the weed;

(2) concerted voluntary local efforts such as the holding of "Water-hyacinth Week;" and

(3) experiments with poisonous sprays.

In several districts, such as in that of Rajshahi and in my own district of Tipperah, the first method was tried. Some persons complied with the notices served under the bye-laws and removed the weed from their lands, while others were prosecuted for non-compliance. In all, however, little was achieved. There is general apathy among the people to encourage hope of concerted voluntary effort. One spray was tried but the experiments in respect of it proved unsatisfactory. Altogether the attempts made have not attained any measure of success owing to the vastness and complexity of the problem. Successive Ministers of Agriculture have devoted a great deal of their time and attention to the

problem but thanks to the manner in which we have been working our constitution, many of them were denied the opportunity of carrying matters any further. The matter was also fully discussed in Council in August, 1928, in connection with Maulvi Tamizuddin Khan's resolution urging legislation for the eradication of the pest. My predecessor in office, Nawab Musharruf Hossain, explained on behalf of Government the difficulties of the problem and stated that Government were not in a position to initiate legislation but that if any non-official member were to bring it forward Government would examine it with sympathy and welcome the assistance of the legislature in dealing with the problem. Presumably, acting on this suggestion notice of intention to move for leave to introduce a Bill was received from a non-official member of the Council but as the gentleman subsequently resigned his seat the notice lapsed.

The present position, therefore, still remains as was explained by Nawab Musharruf Hossain in August, 1928, and I have little to add to what was stated then. The problem, however, continues to engage my most anxious and careful consideration. May I, Sir, hope that with the help and support of the legislature I shall be able to advance further in its solution. In the meantime, if any non-official member comes forward with any constructive proposal, Government will examine it with sympathy.

Dr. NARESH CHANDRA SEN GUPTA: Sir, the time is very short and I will content myself with a few words only. I have been listening very carefully to the speech of the Hon'ble Minister in the hope that it would enable us to see that Government is turning over a new leaf, but what I heard is the usual catalogue of the achievements of the Agricultural Department, which I fail to notice even with the help of my microscope. What has the Agricultural Department done to benefit the country and the cultivators? We do not want to know the amount of research work that has been done in the laboratories, but we want to know what benefit has been done to the country. That is a proposition which Government is very slow to accept. There is no question that the problem of agriculture in Bengal is essentially an economic problem. It is not a technical problem. Prima facie at the present moment without raising a single fibre of jute or a grain of paddy, simply by economic organisation you can put crores of rupees into the pockets of the people of the country. What has the Agricultural Department done in this direction? In the great Department of Agriculture there is no place, as Mr. Travers has pointed out, for economy. I will just give one instance as to the way in which the Agricultural Department might enrich both the country and the Government. Let us take jute. The Agricultural Department is taking a great deal of interest in the cultivation of jute, in increasing the production of jute, in the cultivation of the Kakyabombi variety, and in pressing for the cultivation of

jute in areas in which it is found to be unsuitable. But what has the department done to organise the production of jute in such a manner as will bring more money to the people? Realise for one moment that by organisation Government can bring five crores of rupees to the country by simply raising the price of jute by one rupee. This they can easily do and thus bring immense fortune to the people. That organisation is possible only if Government takes a leaf out of the cotton trusts of America. If Government sets out simply to organise the production and distribution of jute, a considerable amount of money could be made available to the people, and the Government would not be crying for want of money and its various other departments would no longer be starving. If Government would bring 20 crores of rupees to the people, they might for their beneficient activities themselves have at least 5 crores. I have listened to the speech of the Hon'ble Minister who has inherited from his predecessor in office————

[The time-limit under the head "34.—Agriculture" having been reached, the member had to resume his seat.]

The following motion was then put and lost:—

"That the demand of Rs. 5,600 under the head '34A.—Agriculture—Superintendence—Travelling allowance' be reduced by Rs. 10 (to urge that the office of the Director of Agriculture should be located in Calcutta)."

The motion that the demand of Rs. 11,88,000 under the head "34A.—Agriculture" be reduced by Rs. 1,000 (for the failure of the Agricultural Department to tackle the problems of agricultural and rural welfare in improving the material and economic condition of the people) was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Prabhulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazlul.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Rai Mahasai, Munindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Ray, Babu Satyendra Nath.
Ray, Mr. Bijay Prasad Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid

NOES.

Barma, Rai Sahib Panchanan.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Sahib Susil Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
Mitter the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. M.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. Shanti Shekhareswar.
Saadatullah, Maulvi Muhammad.
Sarker, Rai Sahib Rebati Mohan.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 41 and the Noes 45, the motion was lost.

7 p.m.

The motion that a sum of Rs. 25,55,000 be granted for expenditure under the head "34.—Agriculture" was then put and agreed to.

The time-limit having been reached the following motions under the head "34.—Agriculture" were not put:—

Mr. P. N. GUHA: "That the demand of Rs. 75,000 under the head '34A.—Agriculture—Superintendence' be reduced by Rs. 100 (to raise a discussion about the work of the officers in connection with the destruction of the water-hyacinth pest)."

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 4,18,000 under the head '34A.—Agriculture—Other supervising staff' be reduced by Rs. 18,000."

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 1,300 under the head '34A.—Agriculture—Experimental farms—House-rent and allowances' be reduced by Rs. 800."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 18,100 under the head '34A.—Agriculture—Purchase of seeds, manures, etc.' be reduced by Rs. 100 (to draw attention to the unsatisfactory manner of distribution of seeds)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 2,25,000 under the head '34A.—Agriculture—Experimental farms' be reduced by Rs. 1,000 (to draw attention to the insignificance of the actual service rendered to the country by these farms)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 11,88,000 under the head '34.—Agriculture' be reduced by Rs. 2,50,000."

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Rs. 500 (to urge the necessity for reviewing the working and the policy of the Agricultural Department)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Rs. 100 (to criticise the agricultural policy of the Government and the inadequate and ineffective measures adopted)."

Babu SATISH CHANDRA RAY CHOWDHURY: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1 (to call attention to the inadequate provision for agricultural improvement and to the unsatisfactory manner of administering the Department)."

Maulvi HASSAN ALI: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1 (to open a discussion on the agricultural policy of Government)."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1. (Want of proper provision for improvement of Agriculture.)"

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1."

Dr. Sir NILRATAN SARCAR: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1."

Kazi EMDADUL HOQUE: "That the demand of Rs. 11,88,000 under the head '34A.—Agriculture' be reduced by Re. 1. (General policy of Agricultural Department.)"

Maulvi SYED MAJID BAKSH: "That the demand of Rs. 1,20,000 under the head '34B.—Veterinary charges—Grants to Calcutta Society for the Prevention of Cruelty to Animals' be reduced by Rs. 100 (for not allowing Mussalman employees time to say their prayer)."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 1,20,000 under the head '34B.—Veterinary charges (Reserved)—Superintendence—Grants to Calcutta Society for the Prevention of Cruelty to Animals' be reduced by Re. 1 (as a protest against the policy followed by the Calcutta Society for the Prevention of Cruelty to Animals Department in regard to carts and carriages drawn by bullocks, cows and horses)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 27,540 under the head '34B.—Veterinary charges—Allowances' be reduced by Rs. 100 (to draw attention to the inadequacy of the measures adopted for combating cattle disease)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 5,54,000 under the head '34B.—Agriculture—Veterinary charges' be reduced by Rs. 50,000."

Maulvi MUHAMMAD HOSSAIN: "That the demand of Rs. 5,54,000 under the head '34B.—Veterinary charges' be reduced by Re. 1 (as a censure against the Government policy in recruiting officers in the department)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 7,73,000 under the head '34C.—Co-operative credit' be reduced by Rs. 21,000."

Maulvi MUHAMMAD FAZLULLAH: "That the demand of Rs. 7,73,000 under the head '34C.—Co-operative credit' be reduced by Re. 1 (for not taking steps for the appointment of a sufficient number of Moslem officers and clerks in the Co-operative Department, specially in the Bengal Co-operative Wholesale and Co-operative Organisation Society)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 7,73,000 under the head '34C.—Co-operative credit' be reduced by Re. 1."

Kazi EMDADUL HOQUE: "That the demand of Rs. 7,73,000 under the head '34C.—Co-operative credit' be reduced by Re. 1. (General policy of the Co-operative Societies.)"

Mr. A. K. FAZL-UL HUQ: "That the demand of Rs. 25,55,000 under the head '34.—Agriculture' be reduced by Re. 1 (to draw attention to inadequacy of the provision)."

Mr. MUKUNDA BEHARY MULLICK: "That the demand of Rs. 25,55,000 under the head '34.—Agriculture' be reduced by Re. 1. (General policy with reference to backward classes.)"

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 25,55,000 under the head '34.—Agriculture' be reduced by Re. 1."

Babu KISHORI MOHAN CHAUDHURI: "That the demand of Rs. 25,55,000 under the head '34.—Agriculture' be reduced by Re. 1."

Maulvi SYED NAUSHER ALI: "That the demand of Rs. 25,55,000 under the head '34.—Agriculture' be reduced by Re. 1."

Adjournment.

The Council was then adjourned till 3 p.m., on Friday, the 28th March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 28th March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 104 nominated and elected members.

Starred questions

(to which oral answers were given).

Raised platforms at certain stations on the Barharwa-Bandel line (East Indian Railway).

*112. **Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that important stations like Salar, Khagraghat Road, Jangipur Road and Dhulyan Ganges on the Barharwa-Bandel line (East Indian Railway) are not provided with raised platforms?

(*b*) Is the Hon'ble Member aware that for want of a raised platform the passengers, specially the females, the old men and the children find it extremely difficult and inconvenient to enter and alight from the train?

(*c*) Is the Hon'ble Member aware that public representations have failed to draw the attention of the Railway authorities to the subject?

(*d*) Are the Government considering the desirability of requesting the Railway authorities to remove this longfelt grievance of the public?

SECRETARY to GOVERNMENT, FINANCE DEPARTMENT (Mr. A. Cassells): (*a*) to (*d*) This is a subject which may suitably be referred to the Railway Advisory Committee and Government have drawn their attention to the matter.

Missionary Girls' School at Burdwan.

*113. **Mr. SAILESWAR SINGH ROY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the work that is being done by the Missionary Girls' School at Burdwan?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to make any grant to help this institution?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes.

(*b*) It was opened on the 23rd January last and is below the status of a middle English school. Consideration of the question of a grant is premature at this stage.

Accumulations of landlords' transfer fees under the Bengal Tenancy Act.

*114. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that heavy accumulations of landlords' transfer fees under the Bengal Tenancy Act for co-sharer landlords are being made to the great inconvenience and loss to those who are entitled to get proportionate shares of the said deposited fees?

(*b*) Are the Government considering the desirability of taking steps for the transmission of such fees to each of the co-sharer landlords on informations supplied by the parties to the transactions instead of issuing notices of deposit upon them?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Government have decided to re-examine the question of payment of landlords' transfer fees to co-sharer landlords where there is no common agent or common manager.

Administration in the Bengal Government Press.

*115. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that on the motion of Srijut Tarak Nath Mukherjee the Government was censured on the 3rd April, 1929, for the system of administration in the Bengal Government Press?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken in the matter?

(*c*) If no action has been taken, what are the reasons?

Mr. A. CASSELLS: (*a*) The grant for stationery and printing was reduced by one rupee on a motion to discuss the remuneration of the press workers.

(*b*) and (*c*) The measures taken by Government to remedy the grievances of press employees were stated in the debate on a resolution on 18th August, 1928. These measures are still in force and Government have not found it necessary to take any further action.

I repeat what was stated in answer to a question in 1926 that Government are always prepared to consider the grievances of employees which are brought to their notice in the usual way through the proper channel.

Unstarred question

(answer to which was laid on the table).

Rules regarding recruitment in the ministerial staff of Government offices.

110. Maulvi MOHAMMED BASIR UDDIN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) what rules are followed in the recruitment of Hindus and Muhammadans in the ministerial staff, both temporary and permanent, of Government offices; and

(*ii*) whether the said rules are observed in the recruitment in the temporary establishment of the cess revaluation operations in the different districts of Bengal?

(*b*) If the answer to (*a*) (*ii*) is in the negative, are the Government considering the desirability of issuing orders for their observance in future?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) Reference is invited to rules 55 and 63 of the Board's Miscellaneous Rules.

(*ii*) The rules are observed as far as possible, consistently with efficiency, as the nature of the work requires men with previous experience.

(*b*) Does not arise.

DEMANDS FOR GRANTS.

35.—Industries.

MINISTER in charge of INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 12,73,000 be granted for expenditure under the head "35.—Industries."

The House is aware that this budget provides charges for Electrical Adviser and the Cinchona Plantations which are reserved items in addition to Industires proper, which alone is transferred. Very little explanation is required in regard to the Electrical Adviser and the Cinchona Plantations budgets. The estimates provide for the normal requirements of the departments except for small increases due to increments to officers and their staff.

Turning to the Industries Department, I would say that provision has been made for the continuance of the demonstrations of chemical processes relating to soap and shellac manufacture and of the improved processes of manufacturing brass and bell-metal articles which have been launched this year. The Industrial Engineer had been handicapped in the carrying out of his work owing to want of equipment and machinery for his work. Provision has therefore been made for necessary equipment and machinery in the Industrial Research Laboratory. Similarly the Industrial Chemist was finding difficulty in carrying out his research on oil-bearing seeds and provision for necessary machinery has been made. A scheme has been evolved for solving the difficulty of drying the paddy in the rainy season experienced by the rice-milling industry and necessary provision for carrying out the experiment has accordingly been made. Provision has also been made for conducting an experiment by the Industrial Engineer in the Industrial Research Laboratory for improving the manufacture of cutlery articles on up-to-date methods in order to find out if the dying cutlery industry in Bengal can be revived.

In the technical education side in addition to providing for normal requirements, provision has been made for establishing a district weaving school at Santipur, one of the important cloth manufacturing centres of the province, as an experimental measure for one year. Provision has also been made for purchase of six new theodolites for the Bengal Survey School in order to facilitate training in that subject.

Mr. PRESIDENT: I think it will not be inconvenient to the Hon'ble Minister or for the matter of that to any member if we have one discussion on all the motions for reduction under this head.

Maulvi SYED MAJID BAKSH: I submit, Sir, there is objection to have one discussion on a number of motions and a general discussion on them, as only yesterday we were allowed only one division. I hope that you, Sir, will kindly give us one or two chances for division on these motions for reduction.

Mr. PRESIDENT: There cannot be any such difficulty for the simple reason that any motion which is moved must be put and I always put such motions separately.

The following motions were called but not moved:—

Mr. P. N. GUHA: "That the demand of Rs. 1,17,000 under the head '35A.—Industries (Transferred)—Industrial development' be reduced by Rs. 100 (to raise a discussion about the work of the Government in connection with the development of small industries)."

Raja Bahadur BHUPENDRA NARAYAN SINHA of Nashipur: "That the demand of Rs. 1,17,000 under the head '35A.—Industrial development' be reduced by Re. 1 (to draw the attention to the necessity of introducing the State Aid to Industries Bill at an early date)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 5,82,000 under the head '35A.—Industries (Transferred) Industrial Education' be reduced by Re. 1."

Kazi EMDADUL HOQUE: "That the demand of Rs. 1,41,679 under the head '35A.—Industries—Pay of establishment' be reduced by Re. 1 (to raise a discussion for insufficient prospects of the Assistants of the office of the Director of Industries, Bengal, and the introduction of selection grade posts in that department)."

Maulvi SHAMSUDDIN AHMED: I beg to move that the demand of Rs. 8,51,000 under the head "35A.—Industries (Transferred)" be reduced by Re. 1 (Apathy of Government towards cottage industries and the policy).

I have not much to say as regards this motion which is simply a token cut. My idea is to draw attention of Government towards industries, as Government have absolutely failed to pay any attention to the development of cottage industries. These small industries of Bengal, or for the matter of that the whole of India are practically

destroyed. It is time that in order to make penance for past misdeeds Government should pay more attention in regard to these industries and also in regard to their development.

Dr. Sir NILRATAN SARCAR: I beg to move that the demand of Rs. 8,51,000 under the head "35A.—Industries (Transferred)" be reduced by Re. 1.

In this connection, Sir, I have to say a few words regarding the policy of the Government towards industries. In the year 1918 the Industrial Commission made certain recommendations in regard to which Government might help not only the minor industries and the cottage industries but also well organised large industries. But during the last 10 or 11 years practically nothing has been done, and up to this time the industrial policy of the Government has not been definitely settled. The luminous visions of the Industrial Commission have now degenerated into hide-bound ideas of helping small cottage industries. During this period Government has done something but this was done in the earlier stages in the way of helping, for instance, in connection with tanning and also weaving but during the later years they have been doing practically nothing. At the present time they are concerned simply with the small industries and the cottage industries and not with large industries. During these years other civilised countries have kept themselves feverishly busy with the industrial developments of their countries. They have developed huge productive industries and have also organised all sorts of combines and trusts and cartels and other organisations for marketing their industrial products not only in their countries but also in foreign lands, while our Government has remained satisfied simply with its idea of developing some of the small industries and resuscitating some of the lost village industries of Bengal. I fail to account for this apathy towards the industrial development of Bengal on the part of Government. An Advisory Board was created about the year 1920 not merely with the function of advising the Government but also with a view to take a responsible part in framing the budget and also in the expenditure of budgeted funds and in the appointment and posting of superior officers. Their function was very little, considering that the Government has looked to the development of only small industries and cottage industries and nothing more. Government has considered three or four times the State Industries Bill, but unfortunately during the last 10 or 11 years this Bill did not receive the character of an Act. So long as the Bill is not passed the position of the Industries Board is also very much undefined and tame. This Board themselves do not know the functions they are to perform. That the Board was originally constituted at the instance of the Industrial Commission with the object of developing not only

the home industries and the minor industries but also with the object of developing larger industries goes without saying. But nowadays it appears that there has been a change of policy. I am at a loss to account for this change of policy, or rather this apparent want of policy, but I believe, in the heart of my hearts, that so long as the Industries Department does not enthusiastically take up the question of industrializing Bengal no solution of the problem of the people of the country is possible. Government may be of the opinion that industries are to be developed only to the extent to which it may be necessary to supplement the small earnings of the population from agriculture, agriculture being the chief industry of the province. We are of a different mind and do not believe that we Bengalis, the people of Bengal, shall always remain in this undesirable position of living a hand-to-mouth existence in a land of plenty and even when we are blessed, as we believe, with fertile brain and with capable hand. The apathy of the Government is boundless in this connection and it is difficult to account for it. I trust that better days will come later on, but even now when we are told that Dominion Status is in action for the people, for every little thing we have to be dependent upon others. I think the Government can easily help us out of the many difficulties which surround us in connection with the development of our industries. But as it is, at the present moment, there is nothing but despair in our minds as regards this matter. With these words I commend my motion to the acceptance of the House.

The following motion was called but not moved:—.

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 8,51,000 under the head '35A.—Industries (Transferred)' be reduced by Re. 1."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move my motion which runs thus:—

"That the demand of Rs. 12,73,000 under the head '35.—Industries' be reduced by Rs. 500 (to urge that the Govenment of Bengal should have its stores purchased through the Department of Industries with a view to encourage the growth of Indian industries)."

My point of view is that the Government of Bengal should have its stores purchased through the Department of Industries with a view to encourage the growth of Indian industries. It is absolutely essential that Government, which is a large purchasing agency of all kinds of goods, should encourage the local industries of the province. At present the rules are of such a character that they leave very little local option to make these purchases in the province where the articles are produced. I am not sure what the rules exactly are

regarding the purchase of stores. Sir, we are told that this matter is engaging the attention of the Government and the Government of India and the Government of Bengal are in communication over this matter on some question or other. But, whatever might be the nature of the state of affairs, there is no denynig the fact that there ought to be some Department responsible in regard to the purchase of Government articles with a view to encourage the growth of local industries. As Sir Nilratan Sarcar has pointed out, in a country where we have to depend more or less on the weather and the nature of the crops, and specially in view of the present irrigation conditions it is absolutely essential that we must have certain subsidiary occupations which might give employment to a number of young men in this province. Government purchase a large amount of stores for various purposes and it is absolutely essential that the purchase, wherever possible, should be made locally. In any case, Sir, this is a matter in which more light is needed from Government in order that we may be in possession exactly of the actual facts so far as the purchase of stores is concerned. With these words I commend my motion to the acceptance of the House.

Rai KESHAB CHANDRA BANARJI Bahadur: Sir, I beg to support the motion which says that the Government of Bengal should have its stores purchased through the Department of Industries with a view to encourage the growth of Indian industries. Sir, my object of supporting the motion of Khan Bahadur Azizul Haque is that the prosperity of a nation largely depends upon the growth of indigenous industries. And any suggestion for the growth of Indian industries is, therefore, to be welcomed. The obligation of a civilised Government is to help the indigenous industries in every possible way and the Department of Industries which presumes to revive the moribund cottage industries of Bengal will only justify its existence if it can get a chance of supplying the stores of the Government. Firstly the Department will get some real work to do—apart from the routine work which is being done by the Department disregarding the real industrial problems of the day. Secondly, by helping the growth of indigenous industries the Department will contribute to the solution of the unemployment problem which has become so acute nowadays. It will at least counteract the impression that the Department is just like a wax figure, beautifully dressed and placed in a shop window. Besides the opening of technical schools and carrying on researches in buttons, matches and umbrella-making, its duty is also to find markets, to reorganise cottage industries and to help the growth of factory industries such as match-making factory, dairy factory, tobacco factory, tannery, etc. All these industries will get an impetus if the Government of Bengal should have its stores purchased through the Department of Industries.

It is in a sense a state-aid to industries, the importance of which I do not like to stress here. The industries in our country are weak and undeveloped; they need nourishment. In view of the industrial backwardness of the province, it is quite in the fitness of things that every endeavour should be made to encourage the grewth of Indian industries in such manner as will secure the desired object. From this standpoint the Government of Bengal would meet a crying need by having its stores purchased through the Department of Industries with a view to encouraging the growth of Indian industries. That will provide opportunities for the work of the Department; it will help the objective with which the Department was started, it will help the cottage and home industries and incidentally will solve the unemployment problem. It is a crying need which requires immediate solution. To do utmost for the industrial prosperity of India should be the aim of Government and to do this bit of encouragement is, I think, not asking too much.

ADDITIONAL DEPUTY SECRETARY to GOVERNMENT (Mr. L. C. Pinnell): Sir, in the absence of the Hon'ble Mr. Marr, I have to reply to the motion of Khan Bahadur Maulvi Azizul Haque, which suggests that the Government of Bengal should purchase its stores through the Department of Industries, in order to encourage local industries. Now, Sir, I do not propose to engage myself in a general discussion on the question of industrialization. Whether or not that would be good for Bengal, I believe I shall fulfil my task if I proceed to show that, in the first instance, it does not matter which department purchases the stores so long as the department which is doing the work does it in the right way, and, secondly, that the department which is at present entrusted with the control of the Store Rules has already taken action, and has consistently been taking action, in order to fulfil the desires which have been expressed by the mover. I need only remark that an Indian Stores Department has for sometime past been in existence for the purpose of encouraging the purchase of stores produced in India and I will quote for you the instructions which the Governor-in-Council has issued to his officers on that subject:—"The Governor-in-Council desires to emphasise that the policy underlying the adoption of (certain rules) is the encouragement of the industries of the country without sacrificing economy. He similarly desires to impress upon all departments and officers the importance which he attaches not only to a strict adherence to the letter of the rules but also to the loyal observance of the policy underlying it." I submit that stronger and more pointed language could not have been used by the mover of the resolution himself than that.

I have only one further thing to add and that is this: I understand that the objection to the Indian Stores Department is that being

located in Delhi it has not been fair to the manufacturers of Bengal. That is a political question raising the matter of somewhat old history into which I do not propose to enter. I merely wish to state in reply to that that the Government of India have further modified their rules and have simplified them to a degree which will give officers not merely a greater discretion to purchase their stores in India but in many cases will compel them to purchase in India. Any one who wishes to see the rules will find them in the issue of the *Gazette of India* of the 14th December, 1929. The Government of India have proposed to the Local Government that this Government might also consider the liberalising of its own rules in the same spirit in which the Government of India has also acted. As regards that I have only to say that that proposal may involve a change in several departments of Government and is at this moment under consideration. I trust that what I have said will allay the anxiety not only of the mover and the seconder of this motion but also of the House in general that this subject is in the hands of a department which is not merely competent to deal with it but which is carrying out the express wishes of this motion

The following motions were called but not moved:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 12,73,000 under the head '35.—Industries' be reduced by Rs. 100 (Inadequacy of the grant and want of a clear and definite policy)."

Maulvi TAMIZUDDIN KHAN: "That the demand of Rs. 12,73,000 under the head '35.—Industries' be reduced by Rs. 100 (to criticise the industrial policy of the Government)."

Maulvi HASSAN ALI: I beg to move that the demand of Rs. 12,73,000 under the head "35.—Industries" be reduced by Rs. 100 (to raise a debate for criticism of Government policy on this head).

My object in moving this motion, Sir, is to raise a criticism of Government policy in general on the head of Industries Department.

Sir, ours was a country most flourishing in the world in matters of industry specially in weaving and spinning industry. History bears testimony to my statement. Everybody, I hope, knows how muslin of Dacca, silk of Murshidabad reigned supreme in the markets of Asia and Europe and how they furnished the best luxury for adorning the persons of most fashionable queens of the world. But, Sir, where is that industry now; where are those days when our individuals and families were able to lead a happy and joyous life by means of earnings from industry alone?

I do not wish to describe here how the flourishing industries of Bengal were completely ruined during the British rule. I will not mention

here how during the rule of East India Company the most systematic, cruel and brutal methods were employed to cripple and crush the spinning and weaving industries of Bengal in order to make her the dumping ground of British industrial goods. Those are now matters of past history and may well interest the research students of industrial history of the country. I will only say: Has the Government abandoned that policy of old? I will only ask: Is the Government making any serious attempt to revive the dying industries of Bengal?

Sir, Government have established an industrial department with the ostensible object of improving the industries of Bengal. But a most ridiculously inadequate sum is alloted for the department. And how this sum is expended? By maintaining a staff of highly paid officers —Directors, Inspectors, technical experts, chemists (and druggists), Engineers and Superintendents and what not. And, Sir, what do they do? Their activities are an unfathomable mystery to the public—in a word the existence of the Department itself is scarcely known to the people. These officers perhaps finish their duties by writing beautiful reports on the results of researches embodied in learned brochures in a foreign tongue uncomprehensible and unavailable to the general public.

Sir, Government have finished their duty of imparting industrial education to the people by establishing one or two industrial and technical schools here and there? Are they at all sufficient to meet the industrial educational needs of the people? And what is the industrial education that is imparted to the students through these schools? The students of Serampur Weaving Institute after their final course of training are not even in a position to earn their livelihood by their expert knowledge. They move about from door to door for a job and if asked to start a factory they will be in a hopeless fix and say their knowledge is too meagre to allow them to undertake the adventure.

Sir, this is the condition of technical education.

Now, Sir, I ask the Government: Is it not their duty to help and encourage the cottage industries of Bengal? Are the Government taking any steps in the way of helping the *khadder* spinning movement in the country? Foreign cloth market is fast destroying the prospect of the province. Are the Government going to take any measures to protect our people from economic exploitation in this respect?

Maulvi SYED JALALUDDIN HASHEMY: Sir, I rise to support the motion of my esteemed friend, Maulvi Hassan Ali. The reason of the apathy of the Government towards the development of industries in Bengal is obvious. I think it is no longer necessary for me to repeat the much-spoken policy of exploitation. I believe even a child knows and knows very well that if the industries of Bengal flourish, necessarily

the industries of England will decay. I will suggest to the Governmen either to abolish this Department altogether or to put some real lif into it. Sir, *khadder* has been taken up by Mahatma Gandhi in rigl earnest since 1920 and it has been going on for the last 10 years and know many educated persons of Bengal and of India have formed a grou and the group is called "All-India Spinners' Association" which hav branches all over Bengal to help that Association. I know many educate people want to use *khadder* but sometimes they are afraid. I woul therefore suggest the Hon'ble Minister in charge of the Portfolio t popularise *khadder*. They may at the outset clothe the chaukidars an the constables with *khadder* and also other officers connected with Govern ment as has recently been done by the Corporation of Calcutta. If the do so then the village people as also the people connected with Govern ment will not hesitate to use *khadder*. I suggest this without any poli tical motive and I ask the Hon'ble Minister to give some financial hel to the Abhoy Asram, the Khadi Pratisthan and such other organisation in Bengal. So far as I know no help has been given by the Governmen of Bengal to its most vital and most essential cottage industries o Bengal.

The following motion was called but not moved:—

Maulvi MUHAMMAD HOSSAIN: "That the demand o Rs. 12,73,000 under the head '35.—Industries' be reduced by Re. 1 (to draw attention to the fact that no grant has been proposed to help the Barisal Technical School)."

Khan Sahib Maulvi BAZLUL HUQ: I beg to move that the demand of Rs. 12,73,000 under the head "35.—Industries" be reduced by Re. 1 (to impress upon the necessities of establishing factories under state control and patronage to find out ways and means for solving of the unemployment questions to establish agricultural banks in every thana)

Every year a very huge amount is spent under this head. What benefits this Industrial Department has given to the agricultural Bengal is for the gods to see. We mortals have neither the eyes to see nor the wisdom to understand. It has not succeeded in the least to solve the bread question and it has not as yet taken any steps worth the name to solve unemployment question. No steps have been taken to revive home industries. The poor people of Bengal are now hewers of wood and drawers of water. The poor tillers of the soils do not get money to purchase agricultural implements. They are completely at the mercy of the unscrupulous mahajans who never cared but to exact as much as they can as interest. The Usurious Loans Act is of no help to them. It has given the courts discretion to reduce the rate of interest but very few of them exercise such powers and if they do at all it does not confer any appreciable benefit. For some of

the Judicial officers have fixed 37½ per cent. interest to be decreed. This is surely very excessive. The country is being exploited every year by foreign traders and crores of rupees are being drained out every year. Discontent and dissatisfaction is prevailing among our young men for want of employment. The Department has done nothing to remove the grievance. I therefore humbly suggest that factories be established for the benefit of the poor agriculturists of Bengal.

3-45 p.m.

The Hon'ble Khan Bahadur K. C. M. FAROQUI: Mr. President, Sir, before replying to the particular motions of cuts moved, I would crave the indulgence of the House to permit me to give a brief description of the activities of the Department of Industries. I hope after they have heard me, they or at least a large section of them, will be convinced that Government have been doing their best with the limited funds at their disposal to encourage industries in the country.

Now, Sir, the activities of the Department may be divided under the heads (*a*) Research, (*b*) Cottage and Small Industries, (*c*) Industrial Education, (*d*) Demonstration in villages, (*e*) Assistance in marketing of industrial products. One of the principal aims of the research staff is to improve the manufacturing methods of existing industries by reducing the cost of manufacture and introducing more efficient tools and appliances.

Research is carried on at the Industrial Research Laboratory by the Industrial Chemist and the Industrial Engineer. The results of the research are broadcasted by departmental bulletins and arrangement has been made for demonstration of successful results of research. It is gratifying to observe that the training provided at the Research Laboratory for apprentices in soap-making has been attracting a fair number of students. References from outside are frequently made to this section for technical assistance and advice. The record of the activities of the engineering section is also very encouraging. The Industrial Engineer has been able to design and produce a number of labour saving machines which have already proved successful. Of these the conch-shell cutting machine, the paddy-husking machine and the umbrella-bending and marking machine may be mentioned. The activities of the research section are very useful in solving the vexed problem of middle-class unemployment. Another important institution under the Department which is doing very useful work is the Bengal Tanning Institute. The most striking result of the activities of the Institute is to be found in the fact that the consumption of Bengal hides in the chrome tanning industry is gradually on the increase, not only in this province but also in other parts of India. This Institute trains apprentices both on the practical and theoretical sides. Now, Sir as regards the development

of cottage and small industries I can assure the House that this question has been engaging the most anxious attention of Government for some time past, and within our limitations all that is possible is being done in this direction. The co-operative principle is being applied for revival of small industries. Artizans are being trained by the departmental Demonstration Party and helped to form themselves into co-operative societies. It has been arranged to advance a loan of Rs. 50,000 to cottage workers through the Calcutta Co-operative Sale Depôt. The proposed legislation for State-Aid to Industries when enacted is expected to give a further impetus in this direction. It is unfortunate that owing to frequent changes in the Ministry this Bill was postponed more than once, and it is hoped that the Bill will be introduced in the next session of the Council.

As regards industrial education, Sir, I can say with pride that the Department has done commendable work. As a matter of fact, out of a provision of Rs. 8,81,999 on the expenditure side of the Industrial Department budget, a sum of Rs. 5,84,000 is devoted to the cause of industrial and technical education. The three main lines of activities of the Department in regard to technical and industrial education are (1) training abroad, (2) maintenance of Government technical institutions and (3) giving grants-in-aid to non-Government institutions. In the matter of training abroad the programme of sending out two scholars each year has been kept up. The allotment under "Grants-in-aid" has been substantially increased so much so that it is now Rs. 90,000 more than it was three years ago. In the matter of weaving instruction as many as 26 peripatetic weaving schools are now at work and 12 more are awaiting provision of funds. The central institute at Serampore has been maintaining its record of good work. The Calcutta Technical School has, within the short period of its existence, been successful in inspiring confidence of employing firms in Calcutta. The number of both senior and junior technical schools has increased, which proves that the public are taking greater interest in technical education.

Next, Sir, the Department is not relaxing its efforts in the attempt to find a market for industrial products, particularly the cottage products, of the province. For this purpose, it is in touch with many respectable firms in the province and outside, to which the indigenous products are recommended, and successful results have been attained.

Lastly, Sir, the Department has arranged for mining education in six different places at Raniganj and Sitarampur coal centres with good result. With these words, Sir, I conclude. I hope the activities of the Department already mentioned amply justify the expenditure proposed to be incurred.

Maulvi SYED JALALUDDIN HASHEMY: But the Hon'ble Minister has not said a word about *khadder*.

Mr. PRESIDENT: Does the Hon'ble Minister wish to say anything about it?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: We have got a large number of demonstration parties which have already started this work.

The following motion was put and lost:—

"That the demand of Rs. 8,51,000 under the head '35A.—Industries (Transferred)' be reduced by Re. 1. (Apathy of Government towards cottage industries and the policy)."

The motion that a demand of Rs. 8,51,000 under the head "35A.—Industries" be reduced by Re. 1 was put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Bajlabh, Rai Bahadur Debendra Nath.
Banerjee, Mr. P.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haqua, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazlul.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hoseni.
Roy, Babu Satyendra Nath.
Roy, Maharaja Jagadish Nath, of Dinajpur.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarkar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Shupendra Narayan, of Nashipur.

NOES.

Bal, Mr. Sarat Chandra.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Casselis, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Bash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sasti Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman
Laird, Mr. R. S.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. M.

Mukhopadhaya, Rai Sahib Sarat Chandra
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhar-eswar.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. G. F.
Roy, Mr. Shanti Shekhareswar.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

The Ayes being 43 and Noes 58 the motion was lost.

The following motions were put and lost:—

"That the demand of Rs. 12,73,000 under the head '35.—Industries' be reduced by Rs. 500 (to urge that the Government of Bengal should have its stores purchased through the Department of Industries with a view to encourage the growth of Indian industries)."

"That the demand of Rs. 12,73,000 under the head '35.—Industries' (page 269, Civil Estimate) be reduced by Rs. 100. (To raise a debate for criticism of Government policy on this head)."

"That the demand of Rs. 12,73,000 under the head '35.—Industries' be reduced by Re. 1."

The motion that a sum of Rs. 12,73,000 be granted for expenditure under the head "35.—Industries" was then put and agreed to.

4 p.m.

37.—Miscellaneous Departments.

The Hon'ble Mr. A. MARR: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,44,000 be granted for expenditure under the head "37.—Miscellanous Departments."

The following motions were called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 1,60,050 under the head '37A.—Inspector of Factories' (page 279, Civil Estimate) be reduced by Rs. 50 (to urge that the Section of Inspectors should be under the Department of Industries)."

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 2,44,000 under the head '37.—Miscellaneous Departments' (page 278, Civil Estimate) be reduced by Rs. 1,000 (to discuss as regards the Inspector of Factories and the policy towards trade disputes)."

Maulvi SYED JALALUDDIN HASHEMY: Sir, with your permi sion I should like to move motions Nos. 472 and 474, both of which stan in my name, together.

Mr. PRESIDENT: Yes, you can do so.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move ths the demand of Rs. 2,44,000 under the head "37.—Miscellaneous Depar ments" be reduced by Re. 1 (to draw attention to the indifferent attitud of the Chief Inspector of Factories regarding the inspection of presse in Calcutta). I also beg to move that the demand of Rs. 2,44,000 unde the head "37.—Miscellaneous Departments" be reduced by Re. 1 (t draw attention to the fact that a number of lead-poisoning cases hav not been properly inquired into).

Sir, I beg to take these two motions standing in my name togethe for obvious reasons. In bringing these motions before this House m object is to draw the attention of the members to the callous and in different attitude of the Bengal Factories Department in the discharg of their statutory duties. Let me first deal with the matter generally The question of lead-poisoning will be dealt with separately.

Sir, the printing presses employing more than 50 workers come with in the operation of the Indian Factories Act. But, if my informatio is correct, so far as the employees of most presses are concerned th provisions of the Factories Act may be said to be a dead letter. B section 9, clause (c) the Act provides that "the factory shall be ventilate in such a manner as to render harmless as far as practicable any gases vapours, dust or other impurities generated in the course of works carrie on therein that may be injurious to health." Clause (a) of the sam section says in the clearest possible manner that a factory "shall be kep clean and free from effluvia arising from drain and other nuisance." I fact, Sir, the Factories Act has a whole chapter providing for the healtl and safety of the workers in the factories. But, Sir, I will not be draw ing on my imagination when I say that any one entering at a press a random (I mean of course the presses owned and managed by privat employers) will be simply horrified to see the dark dungeon which go b the name of printing press. Absence of light, want of ventilation accumulation of dust, generation of gases and vapours make their du contribution to make a complete hell of the workman's press. And al these, Sir, when the Government have established a department exclu sively to look after the health, sanitation, hours of employment, etc. of these people. To think of it makes one's blood boil within him What for is there, I would ask the authorities concerned, the Chie Inspector of Factories with all his staff and paraphernalia, if such flagrant violations of the provisions of the Factories Act are to g unheeded and the offenders not brought to book? It will perhaps b said that if the Inspector be too strict printing as an industry will g

by the board." That indeed is a consummation which surely is never "to be devoutly wished for." But even if such a catastrophe is to take place, which is in our opinion never likely to occur, even then it were far better that an industry which could not go on without recourse to such gross irregularities, it were better indeed, that such an industry should go by the board as soon as possible instead of continuing to administer slow deaths to the workers. I do not think that the workers have anything to lose by such a contingency. On the contrary, I believe that there is every possibility of their being taken in and absorbed in more profitable industries which would offer them more decent conditions and happier surroundings.

Sir, it is common knowledge that owing to the utter insanitary conditions the press workers fall easy victims to death and disease. And most common of the diseases I may say among the workers in the press are tuberculosis and lead-poisoning. Tuberculosis, I may be allowed to add, takes its largest toll from amongst the press workers of all industrial workers. I venture to add also that if thorough and careful medical examinations are made of the men employed in the printing industry, quite a large percentage will be found to be suffering from tuberculosis in a more or less advanced stage. Sir, it is the duty of the Factories Department to see that the provisions of the Factories Act are actually complied with by the employers or proprietors of the presses. But, Sir, I am constrained to have to say that this duty is being very perfunctorily done. Let me cite an instance which will show how indifferently the work of the Department is being carried on. In reply to the starred question No. 28, dated the 7th August, 1929, the Hon'ble Mr. M. C. McAlpin stated that the press (Calcutta Fine Art Cottage of Dharmatala Street, Calcutta) was visited by an Inspector of Factories on 16th January, 29th May, 22nd July and 29th July, 1929, where conditions did not conform to the Factories Act and Rules, and that instructions were issued to the Manager to remove the irregularities. Next, the Deputy Secretary to the Government of Bengal, in the Commerce and Marine Department, in his letter No. 4148-Com., dated the 12th August, 1929, to the Secretary, Press Employees' Association, said that proper action had been taken by the Factories Department regarding the irregularities in the said press. But, Sir, in a memorandum, dated the 17th September, 1929, and addressed to the Secretary, Press Employees' Association, the Chief Inspector of Factories had to admit that on inspection by his officers on 14th September, 1929, it was found that the men were being worked in the said Calcutta Fine Art Cottage outside the legal hours in violation of section 26 of the Factories Act. The House will please note how instructions were issued to the Manager of the press on July, action was taken in August and still in September the irregularities were there grinding the life out of the poor workers. What is more, the said irregularities exist still in March, 1930, and why? The simple reply

that the Bengal Factories Department does not discharge their duties properly. The officers of the Department visit the presses occasionally but, Sir, their visits come to no practical account to the employees! When these officers go to any press they are said to have all their talks with the Manager or the Proprietor of the press. They, it is said, deliberately avoid asking any questions to the employees themselves direct. And that all the while the Inspector remains in the press, he remains all along surrounded by Manager and his assistants in such a way that even if any employee wants to speak out anything, he naturally forbears from doing so before his office masters.

There is, Sir, one thing more which I would like to say here. I understand that the Deputy Secretary to the Government of Bengal, Commerce and Marine Department, had written to the Organising Secretary, Press Employees' Association, that the Factory Department inspected, detected and remedied the irregularities in a number of presses (St. Andrews, Cotton Press, Lalchand & Sons, Calcutta Photo-type Co., Thacker Spink, etc.), information of the existence of irregularities was of course supplied by the Press Employees' Association—and the Certifying Surgeon of Factories also investigated and reported that he could find no clear evidence of lead-poisoning and that the general health of the men was good in those presses. The Deputy Secretary has not also failed to express a pious wish at the end of his note. Says the Deputy Secretary: "If, however, the Association is of opinion that there are cases of lead-poisoning which falls within the scope of the Workmen's Compensation Act, action should be taken accordingly either by the Association or the individual employees." But, Sir, I have got with me here written statement from the employees repudiating the statement of the Deputy Secretary categorically. I confess I am unable to reconcile the two statements. In the circumstances, what seems to me proper and necessary is that the authorities concerned should enlighten the House by giving informations on the following points, which I hope will lead us to truth:—

(1) names of the presses inspected by the Factories Department with dates and irregularities detected;

(2) names of the employees individually examined in each press on each occasion in course of the inspection, also with designations;

(3) steps taken to remedy the irregularities;

(4) steps taken in cases of non-compliance of the order of the Factories Department;

(5) number of employees medically examined in each press by the Certifying Surgeon of Factories also with names and designations; and

(6) the result of the medical examination, press by press.

With regard to the cases of lead-poisoning is to be noticed the same apathy and indifference of the Factories Department. It will perhaps be argued that it is not the duty of the Factories Department to pick up the cases of lead-poisoning and send them up before the Commissioner for Compensation. But, Sir, it is no question of argument. The point is, is or is not the Factories Department to look after the health, sanitation, hours of employment, etc., of the workers? If it is, then no technical question ought to deter them from looking into these cases. The Factories Department may not take up the cases of lead-poisoning and fight them out in court. But can there be any doubt whatever that it is their duty to look after the health of these men and in doing so examine the men medically from time to time and take such measures as required to prevent them from contracting diseases like lead-poisoning through the carelessness and apathy of the employers and further, when they have detected any case of lead-poisoning, to immediately declare it as such and inform the man as well as his employers of the fact?

But, Sir, the present authorities of the Bengal Factories Department are hopelessly indifferent to the health of these men. As a typical instance at hand I may cite the case of the Calcutta Fine Art Cottage in Dharamtala. In pursuance to an informal talk with the Chief Inspector of Factories in last August the Secretary of the Press Employees' Association supplied him with the names of nineteen men working in the said Calcutta Fine Art Cottage who were suspected to be suffering from lead-poisoning. But, Sir, we are now at the end of March, 1930, and the Chief Inspector of Factories has not yet seen his way to take any step in the matter. Well might the Chief Inspector of Factories have by his Certifying Surgeon of Factories got those men medically examined and informed the Press Employees' Association about the men who were really suffering from lead-poisoning. But this he could not do during this long period of about 7 or 8 months except for the pious wish expressed in his memorandum to the Secretary of the Press Employees' Association, dated the 14th September, 1929, that "the question of lead-poisoning is having attention." And what is the result? One of the men, Krishna Chandra Das, has now succumbed, in all probability, to the fell disease.

I will not take the precious time of the House any longer by unnecessarily lengthening this tale of woes. But this I may point out before I take my seat that the indifference and apathy on the part of the Factories Department is in no small measure responsible for the hardships and oppressions suffered by the men. The callousness and indifference of the Department is such that the Association of the workers was compelled to draw the attention of His Excellency the Governor of Bengal by passing a resolution condemning the attitude of the Chief Inspector of Factories at a mass meeting held in Calcutta on 14th December last

and forwarding the same to His Excellency. And I resume my seat with the sure conviction that the House will extend its whole-hearted support to my motion.

4-15 p.m.

Mr. L. C. PINNELL: Sir, I regret that the time at my disposal is very short to enable me to reply to this matter, because, in so far as I have been able to follow the instances quoted by the mover of this motion, I believe that not only in general terms but in each individual case I could show what action had been taken; I could show what improvements had been effected; I could show that in some cases people had been repeatedly prosecuted and I could, moreover, show that this new organisation which has come into being is in danger of spoiling its prospects by making irresponsible complaints which waste the time of the Factory staff instead of accepting the co-operation which the Chief Inspector and every member of that staff is only too anxious to give: I could further show that on every occasion when a definite complaint has been received, even though doubting its responsibility, the Chief Inspector has gone himself or sent one of his officers and on one occasion————

Mr. PRESIDENT: Order, order. I am sorry to interrupt Mr. Pinnell, but the time allotted to this grant is up.

The following motions were then put and lost:—

"That the demand of Rs. 2,44,000 under the head '37.—Miscellaneous Departments' be reduced by Re. 1 (to draw attention to the indifferent attitude of the Chief Inspector of Factories regarding the inspection of presses in Calcutta)."

"That the demand of Rs. 2,44,000 under the head '37.—Miscellaneous Departments' be reduced by Re. 1 (to draw attention to the fact that a number of lead-poisoning cases have not been properly inquired into)."

The motion that a sum of Rs. 2,44,000 be granted for expenditure under the head "37.—Miscellaneous Departments," was then put and agreed to.

41 and 60.—Civil Works.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,14,36,000 be granted for expenditure under the heads "41.—Civil Works" and "60.—Civil Works not charged to revenue."

Sir, the details of the proposed expenditure have been fully explained in the budget. As the time allotted to the subject is short, I do not propose to encroach on it longer but I would let non-official members have an opportunity of expressing their views on the subject.

The following motion was called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 14,000 under the head '41.—Civil works—Construction of quarters for Superintendent of Excise, Rangpur' be refused."

Babu SATYENDRA NATH ROY: I beg to move that the demand of Rs. 3,72,000 under the head "41.—Civil works—Purchase of Nos. 5 and 6, Government Place" be refused.

Mr. President, Sir, my object in tabling this motion is to make an economic cut. Is the financial position of the Government of Bengal such that they can afford immediately to purchase this property from the Government of India out of our revenues? As at present informed, I think there is only one important office located in that building and that is the Calcuta Registration Office. I understand there are some other offices which are not connected with the Government of Bengal. If that is so would the Government of Bengal be justified in purchasing this property for that particular object at such a high price? Why not go to the open market and purchase land and build a new building instead of spending such a huge sum on old bricks and rubbish more than a century old. Sir, I also take this opportunity of laying my emphatic protest against the demand of the Government of India as a seller of properties in Calcutta. Have they the right to ask any price for any blessed old building which they might claim as their own? As a private citizen I would claim that all Government buildings in Calcutta which existed before the removal of the Capital to Delhi should be regarded as properties of the Local Government. Sir, in this matter I must ask the Government of Bengal to impress upon the Government of India that they have no right to the buildings in Calcutta which were acquired or built when there was no Local Government and that the funds then available were derived from the profits of the Dewany acquired by the East India Company. We all know how unsympathetic the Government of India is when Bengal is concerned. I think Nos. 5 & 6, Government Place, were out offices attached to the Government House. So when the Government of India gave up the Government House why should not the out offices go with it? Sir, if the decision of the House is that the Government of India should be paid I would urge upon our Government that the payment should be postponed and that the building should be utilised for such offices of the Bengal Government which are badly in need of accommodation.

Sir, with these words I commend my motion to the acceptance of the House.

SECRETARY to GOVERNMENT, PUBLIC WORKS DEPARTMENT (Mr. C. P. Hogg): Sir, the member for the 24-Parganas seems to doubt the necessity and the wisdom of the purchase of these premises by the Government of Bengal. Now, Sir, I might explain, first of all, with regard to his statement that all public buildings in Calcutta should belong to the Local Government, that this building was purchased in the year 1906 by the Government of India from a private party. That purchase was made along with a number of other properties, and the intention was to improve and add to the accommodation for the staff attached to Government House. This building—Nos. 5 and 6—was not required at that time, and the tenant then in possession was allowed to remain. When Government House and other buildings in Calcutta were taken over by the Local Government in 1912, these premises were not included in the list of Viceregal Estates, nor were they taken over by the Government of Bengal. On the other hand, the tenants who were still in possession continued as tenants under the Government of India until the year 1916. After the Reforms, the Government of Bengal, which had taken a lease of the premises, found that it had to pay a rent to the Government of India under the arrangement made in connection with the Reforms, and the Government of Bengal is still paying rent for these premises. Therefore, it does not lie in the mouth of the Bengal Government to dispute the right and title of the landlord under whom they are holding the premises. Now, Sir, the mover has also raised the question of the wisdom of this purchase. I should like to point out that these premises are situated in the very centre of Government Place, North—the whole street is practically owned by the Government of Bengal. When, last year, the Government of India announced that they proposed to dispose of this property, then the Government of Bengal did what every prudent house-owner would do, they endeavoured to purchase this property which is situated in the midst of their own property. The Government of India gave the Local Government six months to make up its mind, and in these circumstances the Government of Bengal felt itself compelled to come to an agreement with the owner. The price was fixed, by mutual arrangement, by the Chief Valuer of the Improvement Trust. In this connection, I might say that in 1914 when the sale of these premises was first discussed, the price was fixed then at Rs. 4 lakhs—the Chief Valuer puts the price now at Rs. 3,72,000 and both parties to the transaction are well satisfied with the terms that have been arranged. Now, Sir, I think I might explain to the House that this transaction does not stand by itself; it forms only a very small part of an extensive building scheme, to which the Government of Bengal have given their approval. This scheme will involve the re-construction of certain buildings in Calcutta and a re-arrangement of offices. In particular I might mention that there is a very valuable site at the

corner of Old Court House Street and Government Place, North, which belongs to the Government of Bengal. This building is at present occupied by various subordinates and menial servants. It will be conceded, I think, by this House that that site is much too valuable to be left in the occupation of subordinates and it is proposed, as a part of the scheme, to pull down that building and erect on the site a modern building with shops on the ground-floor and modern office accommodation in the upper storeys. This new building will yield a handsome revenue to this province; and this would be possible if these menials and other subordinates are removed to some other place. Therefore, in order to secure these objects, these premises now under discussion have been acquired and when the building is pulled down and replaced by something of a modern type the scheme of re-arrangement will be put into effect to the advantage of the Government of Bengal. I might also remind the House that it is extremely difficult to get satisfactory office accommodation in Calcutta. The Government of Bengal is already hard pressed to accommodate its various departments and that difficulty is likely to increase in the future with the increasing activities of Government in all directions. It was, therefore, only wise and prudent for the Government of Bengal to take advantage of this opportunity to acquire Nos. 5 and 6, Government Place, and I trust that this House will approve of the action of the Local Government in coming to this agreement with the Central Government. I beg, Sir, on behalf of Government to oppose the motion.

The motion of Babu Satyendra Nath Roy was then, by leave of the Council, withdrawn.

The following motion was called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 20,000 under the head '41.—Civil works—Buildings—Construction of 2nd and 3rd officers' quarters at Gopalganj' be refused."

[At 4.29 p.m. the Council was adjourned for prayers and it re-assembled at 4.44 p.m.]

The following motion was called but not moved:—

Khan Bahadur Maulvi AZIZUL HAQUE: "That the demand of Rs. 8,000 under the head '41.—Civil works—Buildings—Cross-roads and drain and roadside trees at Alipur Duars' be refused."

Mr. NARENDRA KUMAR BASU: I beg to move that the demand of Rs. 17,000 under the head "41.—Civil works—Original works—Buildings (Administration of justice)" for the construction of an electric passenger lift in the High Court, Calcutta, be reduced by Rs. 1.

Sir, I must say at once that I do not want to deprive the learned Judges, the Legal Remembrancer and the Advocate General of their lift, if they want it. Personally I should have thought that the majority of the Judges who have no real chambers properly speaking, but have to remain content with what are no better than stalls and such stalls as are worse than stalls in good livery stables, I should have thought that they would primarily want better chambers. If they prefer having a lift, I do not grudge it. What I want to draw the attention of the House to is that there is no lift in the High Court for the legal practitioners or for the litigant public. The Government of Bengal make a net profit of Rs. 2,60,00,000 out of the sale of justice, and it is really high time that they did look to the interests of the litigants and the legal profession. As you know all Judges are judicially under 60 years of age; if they were not so, they would not remain Judges of the High Court. Moreover they can absent themselves from the Court on the slightest provocation. But there are litigants and legal practitioners who are really above the age of 60 years, and it is certainly more necessary for them to have a lift in the High Court than for the Judges. It would not certainly do for them to be absent from Court, when their cases are taken up. I would therefore suggest that, in considering the question of lifts, when the Public Works Department fit up one for the Judges, they should try to provide one or two more for the litigants and the legal practitioners.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): The proposal for two passenger lifts in the High Court was administratively sanctioned in the year 1926-27. It has been considered annually since then at the time of allotment of funds but no progress could be made. It struck me in the course of the current year that I might possibly get these lifts through if I took one at a time. I started with one this year for the High Court Judges and managed to get it into the budget and I hope with any luck, we may be able to get the other one into next year's budget. But as long as I ask for a large sum Government have to look twice at it before they sanction it.

As regards the physical ability of the High Court Judges, I think, perhaps members may remember that they are not always quite fit; they do their best to attend their duties, but there has been a very recent case in which one of the learned Judges who had a bad heart had to stay away from court for some days, and although he is attending the court again now, I understand he is being carried upstairs in a rickety chair. I ask this House whether more inconvenience is caused to the public if a Judge is incapacitated temporarily or some of the litigants. If the Judges are incapacitated the litigants necessarily have their cases postponed which is certainly very inconvenient.

As regards the other remark which has been made that Government make a very large profit out of the administration of justice, it is perfectly true that the sale of court-fee stamps does bring in large revenues to Government. But all the receipts go into the common stock and if more money is spent on administration of justice, there will be less available for other purposes, and therefore we have to consider the entire pool together when we frame the expenditure side of the budget without looking too closely into the sources from which the money originally came. I think, for example, we might get a little more money for the police if we were to consider the receipts from various items which go into the receipt side of the budget, but we do not do that. I hope, after this explanation, my friend will withdraw his motion.

The motion of Mr. Narendra Kumar Basu was then, by leave of the Council, withdrawn.

Rai KESHAB CHANDRA BANARJI Bahadur: Sir, may I have your permission to move this motion as Raj Shashanka Kumar Ghosh Bahadur, in whose name the motion stands, is absent?

Mr. PRESIDENT: Yes, you can move it as your own.

Rai KESHAB CHANDRA BANARJI Bahadur: Sir, I beg to move that the demand of Rs. 10,000 under the head "41.—Civil works —Extension of the Civil Court Buildings at Dacca, inclusive of electric installation" be reduced by Rs. 10 (to draw attention to the inadequacy of the grant.

Sir, in moving this motion I consider it necessary to state briefly the history of the scheme. The existing civil court buildings at Dacca were constructed as far back as 1865, i.e., 65 years ago. Since then no extension has taken place, except a godown which has been added to the Nazarat only a few years ago. The volume of work has now so much increased as to necessitate the extension of the civil court buildings. Litigation has also increased in the course of the last 65 years which has resulted in a corresponding increase in the number of judicial officers posted at Dacca. In the above circumstances, it was found necessary to locate some of the munsiffs' courts in two rented houses about a mile away from where the civil and criminal courts are situated. The present monthly rent of these two buildings is Rs. 350 *plus* the municipal taxes which must be a considerable amount. The sum that is now being paid annually will be set free if the proposed extension is carried out. I would like to add in this connection that a sum of Rs. 1,55,000 has been estimated by Government for this purpose, but in the next year's budget provision has been made for Rs. 10,000 only. I should draw attention to the fact

that the said allotment is too inadequate to meet the actual requirements, and if provision is made at this rate, it will take 15½ years to complete the work. The extension is so very urgent that it cannot wait. Any delay in completing the work will result in financial loss and hardship to the litigant public of Dacca. With these words, I commend this motion to the acceptance of the House.

Mr. C. P. HOGG: Mr. President, Sir, I gather that the object of the member from Dacca is to draw the attention of Government to the smallness of the allotment made in the coming year for the new civil courts at Dacca. I need hardly say that Government are fully alive to the necessity of providing additional accommodation at Dacca, but I should like to explain to the House that the Public Works Department can take no steps towards the erection of the building or even the collection of materials until the grant has been voted by this House, and I need hardly remind the House that the manufacture of bricks during the rainy season, more particularly in Eastern Bengal, is practically impossible. It will take the Department some time to arrange for contractors. The contractors will have to arrange for the manufacture of bricks, they will have to arrange for the purchase of iron beams and other materials in Calcutta, and normally we cannot expect that any progress will be made with the actual building until the next cold weather. That is a matter of experience and therefore in this budget only that amount which is likely to be spent by the Public Works Department, not by the contractors, is entered. Next year when materials have been arranged and everything is ready a demand will be made for a much larger sum. The member's fear that it will take 15 years to put up the building is quite unfounded. As a matter of fact a very small sum has been provided this year, and probably the rest of the money will be provided in the budget in the following year. I therefore oppose the motion.

Rai KESHAB CHANDRA BANARJI Bahadur: With regard to what has been said by Mr. Hogg I would like to make a few remarks.

Mr. PRESIDENT: I am afraid you cannot do that now. You have no right of reply.

The motion was then, by leave of the Council, withdrawn.

Babu SATYENDRA NATH ROY: I beg to move that the demand of Rs. 1,30,000 under the head "41.—Civil works—Construction of barracks for South District Traffic Police at Porabazar" be refused.

Sir, this demand which comes under the heading of "Civil works" is really a Police grant. The total cost of the building for the construction of barracks for South District Traffic Police at Porabazar,

Bhowanipur, is Rs. 2,06,182, out of which it is stated that about Rs. 15,000 has been or is being spent within the present official year, Rs. 1,30,000 to be spent within the next official year and the balance the year after.

Sir, while we are not getting funds for malaria, kala-azar, and other most urgent needs of this country, we are asked to spend a fortune upon Police barracks for only a section of the Presidency Police.

Sir, we are every year spending lakhs and lakhs for building palatial residences for sergeants, married officers' quarters and so forth: we are sorry to find that the Police have got the ears not only of the Executive Councillors but of the Minister in charge of Public Works. While the provision for barracks for only a section of the Town Police is over 2 lakhs, the provision for building grants to non-Government secondary schools numbering about 1,000 over the whole of Bengal is an equal amount. The Police, which is a reserved department, are getting money not only through the open door but also through the side doors—I mean through the transferred departments. I ask the members of this House seriously to consider whether this policy of spending lakhs and lakhs every year upon police buildings should not be stopped for some time. Sir, the Commissioner of Police in Calcutta is a fortunate officer; not so the Chief Presidency Magistrate, for had he been so, he and his subordinate Magistrates would not have been removed from their own Court building at Lalbazar and housed in a building built before the battle of Plassey and condemned by the Public Works Department about 25 years ago, I mean the present Police Court Building at Bankshall Street.

5 p.m.

Mr. C. P. HOCG: Sir, this matter need not detain the House long. This work is already in progress. It was sanctioned by the predecessors of this Council last year and I would submit, Sir, that only for the most grave reasons should this Council undo the work or cancel the grant which was made by its predecessors. In regard to the merits of the case I have really nothing to say. The member for the 24-Parganas has complained that while money is available for this purpose adequate funds are not provided for others. I need only say that this House sanctioned the construction of this building last year and I would ask this Council to confirm that decision. I oppose the motion.

The motion of Babu Satyendra Nath Roy was then put and lost.

Mr. PRESIDENT: I propose to have one discussion on Nos. 484 to 489.

The following motion was called but not moved:—

Khan Bahadur Maulvi AZIZUL HOQUE: "That the demand of Rs. 25,000 under the head '41.—Civil works—Construction of combined Public Works Department Subdivisional Officer's quarters and office at Malda' be refused."

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 50,500 under the head "41A.—Civil works (Transferred)—Communications" be reduced by Re. 1 (to discuss the policy on the matter of communications, particularly from Khulna to Satkhira)

Sir, the object of this token cut is to discuss the policy in the matter of communication particularly from Khulna to Satkhira. Sir, the most disadvantageous geographical position of my district—I mean Khulna district—is very well-known to the students of geography. It is, however, added to for want of proper or no communication at all. You will be surprised to learn that in the entire district of Khulna which is, I believe, one of the biggest districts in Bengal, there are altogether 31 miles of railway—the line extending from Fultolla to Khulna 11 miles and from Rupsa to Bagerhat 20 miles and in Satkhira there is no railway line at all. In reply to one of my questions the Hon'ble Member in charge of that particular department gave me a very vague and indefinite reply regarding this. Schemes after schemes had been made to extend the railway from Calcutta to Khulna direct through Satkhira and I am sure huge sums have been spent for that purpose but within these 20 years no such scheme has been worked out. There is one district board road from Khulna to Satkhira. The popular Chairman of our district board Rai Bahadur J. N. Ghose travelled all through the district with the members of the Road Development Enquiry Committee and they recommended and the Chief Engineer agreed that the Khulna-Satkhira Road should be metalled. I got the assurance of the Chief Engineer that that road will be metalled by the Road Development Committee, but to my surprise the other day in the House I learnt that this Board has not recommended that the road in question should be metalled under the scheme. As regards the policy regarding the communications I think that where there is an apprehension of danger or where there is any military necessity Government do not hesitate a moment to spend crores of rupees. Sir, I do not want to be irrelevant but I am sure if there is military necessity Government can make roads through hills and mountains by blowing up huge stones by dynamite and extend the road up to Kabul; but when the people of a certain district make representations to Government to metal a certain road which is largely and conveniently used by the people at large Government do not care a fig for it. Sir, I should

like to draw the attention of the House that my subdivision of Satkhira is very important and everybody in this House knows that Khulna is a jute and rice-producing district but at the same time my district is rather backward regarding political movement and I am afraid it is only for this reason that Government have not seen their way to improve the communications in this district. My friend Maulvi Shamsuddin Ahmed will bear witness to the miserable condition of the road when he had to travel from Tangia village which is my village past Satkhira to Talla. He had to travel 14 miles and he will be able to say in how many hours he did it. Repeated representations from the district board were made to the Government but no arrangement has yet been made to improve the road. I would only add that Government should at this juncture give particular attention to its roads. As regards the Road Development Committee, as far as I have been able to understand, it is there to make arrangements for sales of British motor cars and buses and other vehicles which are usually imported to India. If really the convenience and comfort so far as the road is concerned is to be looked after, I am sure my subdivision would get the first preference.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 85,13,000 under the head '41.—Civil works (Reserved and Transferred)' be refused."

Rai SATISH CHANDRA MUKHARJI Bahadur: I move that the demand of Rs 85,13,000 under the head "41.—Civil works" be reduced by Rs. 5,00,000.

My object in moving this cut is not to grudge these persons or the bodies for whom these monies are being spent. I do not know on what principle the selections are made as to whether a certain demand is of a very pressing character or a certain work requires immediate attention. My moving this motion, I should like to draw the attention of the Hon'ble Minister to certain pressing demands of my district of Hooghly. The first thing is a house for the Hooghly Collegiate School. Commissioner after Commissioner, District Magistrate after District Magistrate, Director after Director—not to speak of the Head Master of the school or the Inspector of Schools—has recommended the building of a house for the Collegiate School, but unfortunately no step has yet been taken towards its fruition.

The second thing to which I would like to draw attention is the Imambara Hospital. It is one of the best hospitals in the Presidency of Bengal, but unfortunately it has got no outdoor ward. The attention of the Government has been drawn to this regrettable affair, but to no effect. I hope and trust that the Hon'ble Minister in charge of the Portfolio will look after that in the coming year.

The last thing to which I would draw attention of the Hon'ble Member-in-charge is about the record-room for the Civil Court of Hooghly. It is well known that civil courts are the best paying departments of Government and it is in the record-room where most precious documents, records, etc., are kept. And what is the condition of the record-room of the Hooghly Civil Court? The less said about it the better. It is in a hopelessly delapidated condition as it was built 100 years ago and it is in this place that the records are kept whether for preservation or for destruction I do not know. The District Judge is the custodian of the documents. These documents, as I have already said, are kept in a house which was built for a godown. I hope that a new record-room should be built. With these words I resume my seat.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 85,13,000 under the head "41.—Civil works" be reduced by Rs. 1,000 (to draw attention to the necessity of provincialising the Faridpur-Jessore-Khulna-Calcutta Road).

My object is to draw the attention to the fact that the important road which passes through the districts of Faridpur, Jessore and Khulna up to Calcutta has not yet been provincialized. The name of the road which is called the Jessore Road in the district of Faridpur shows that it is a provincial road. It is very difficult for the various district boards, through whose areas it passes to maintain the road in their respective jurisdictions. If the purpose of the Government is to provincialize the important inter-district roads I do not know why there should be discrimination regarding some. I think the Hon'ble Minister-in-charge will explain why this road has not been provincialized.

5-15 p.m.

The following motion was called but not moved:—

Dr. AMULYA RATAN GHOSE: "That the demand of Rs. 85,13,000 under the head '41.—Civil works' be reduced by Re. 1. (Improvement of the Grand Trunk Road within the municipal limits of Howrah)."

Mr. C. P. HOGG: The members from Faridpur and Khulna have raised the question of district board roads within their respective districts. My first point is that these district board roads are under the control of the local authorities and I would submit that any proposal that they should be taken over as provincial roads should emanate first from the district boards concerned. The second point I should like to make is that the principle hitherto accepted by the Government of Bengal is that these local needs must be met from local resources and that if any local authority requires assistance in carrying out these

rorks then the proper procedure is by way of a loan and not by way of a subvention from the public fund. The final argument that I will advance is, I submit, fatal to these demands. These roads, as I have said, are of a purely local and particular interest. I am convinced that there are many members in this House from other districts of the province who can put forward equally strong claims on behalf of roads in their own districts. Therefore I submit it would be wrong

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[At this stage the time-limit under the head "41 and 60.—Civil Works" having been reached, the member resumed his seat.]

Mr. PRESIDENT: Before I put these motions I should like to say one word about the debate over these matters. I may tell Rai Satish Chandra Mukharji Bahadur that he was not right when he ventilated certain grievances, as his motion was for a substantial economic cut. His remarks would have been apposite and in order on a token cut. This ruling from me might perhaps be of help to the Council in future, particularly to new members.

The following motions were put and lost:—

"That the demand of Rs. 50,500 under the head '41A.—Civil works (Transferred)—Communications' be reduced by Re. 1 (to discuss the policy on the matter of communications, particularly from Khulna to Satkhira)."

"That the demand of Rs. 85,13,000 under the head '41.—Civil works' be reduced by Rs. 5,00,000."

The following motion was, by leave of the Council, withdrawn:—

"That the demand of Rs. 85,13,000 under the head '41.—Civil works' be reduced by Rs. 1,000 (to draw attention to the necessity of provincializing the Faridpur-Jessore-Khulna-Calcutta Road)."

The motion that a sum of Rs. 1,14,36,000 be granted for expenditure under the heads "41.—Civil Works" and "60.—Civil works not charged to revenue" was then put and agreed to.

43.—Famine Relief.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 50,000 be granted for expenditure under the head "43.—Famine Relief."

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that the demand of Rs. 50,000 under the head "43.—Famine relief" be reduced by Re. 1 (to draw attention to the necessity of an early revision of the Famine Code).

It was on the 26th February, 1928, that I drew the attention of the House to the necessity of revising the Famine Code in Bengal. I am not aware what steps have been taken in this matter but so far as I know it is exactly in the same position in which it was in that year.

Sir, any one who has experience in managing test work will bear me out that it is very much difficult for the district boards to operate the Famine Code in connection with test work. District Magistrates and Divisional Commissioners themselves feel this difficulty in giving effect to the rules which have been framed under this Famine Code. I might at once tell the House that the Famine Code was prepared as a result of famines which occurred in other provinces and as a result of experience in provinces other than Bengal. I was reading a report the other day and I find that the last Famine Commission reported on an enquiry from Berar, Madras, Bombay, Delhi and the Punjab. Now, Sir, any one who is acquainted with the economic conditions of Bengal will at once say that the economic condition of Bengal is entirely different from that of the Punjab or other provinces. In Bengal the habits and living of people are entirely different from that of the up-country men and women. Their foods are different, their dress is different. While it is quite possible at a time of distress in the United Provinces or higher up, to live purely on wheat, tasted with pepper, the Bengalis are of such a nature that it is not suitable for them, with the result that the scale of wages which is fixed by the Famine Code is entirely unsuitable to meet the conditions in Bengal.

May I draw the attention of the House to the fact that quite apart from the fact that the scale of wages originally fixed by the Famine Code was in consonance with the requirements of other provinces, the Bengal Famine Code really departed from that rate and decreased the rate of wages recommended even by the Famine Commission. I say, Sir, there is no reason why this rate should have been lowered in the case of Bengal. If an enquiry be made, I am bold enough to say that the number of distresses which have occurred during the last few years, whether in Bankura or in Birbhum, or whether in Nadia, Dinajpur or Murshidabad, whether there have been test works, this Famine Code has had to be always disregarded as far as possible. I know, Sir, that Divisional Commissioners usually give permission to disregard the provisions of the Famine Code but certainly it is at times a difficult task to get this permission, or disregard the other provisions of the Famine Code: it takes a certain amount of time; therefore I say that it is much better that if the Act cannot be followed in practice it must be revised.

Then there are difficulties as regards the rate of wages, the relative responsibility of District officers, the District Boards and also of the

Government. The District Boards have an early responsibility in this matter and, under the rules, they are to be re-imbursed for any expenditure they make to ameliorate distress and to start test work, but often—it so happens—they receive payment at a stage much later to the period when the expenditure was incurred. It is perfectly well known that District Boards have only limited funds and if they have got to spend money for the purpose of relieving distress and famines, they ought to be reimbursed but unfortunately the rules are of such an elastic character that the District Boards are not unoften penalised in that they do not get the full payment. I know at least of one instance when in spite of the recommendations of the District officer and the Divisional Commissioner one District Board did not get the full amount they had spent for meeting distress. And what was the result? In the absence of an early reimbursement the result will be that District Boards will not be able to take up necessary projects with expedition. The present rule is that Government may reimburse District Boards to such an extent as may be thought proper in consideration of the finances of the Boards and of the usefulness of the work to the Boards. There are so many clauses which clog this reimbursement that it is high time that the District Boards must be definitely told that they would get what they actually spend. I may tell you, Sir, that it a matter of practical experience because we administered the Code in the district. At a time of famine it is very much difficult for the district officer or the District Boards to keep their heads cool and that amount of scrutiny and examination is not always possible, which one can indulge in from the chair in Calcutta. Of course care must be taken to see that money is not wrongly spent but care must also be taken to see that the money the District Boards actually spend in test and relief work returns to them early so that they can spend it on other important and urgent schemes. The present rule was alright when there was official regime in the District Boards, when the whole policy of the District Boards was dictated by officials. But now a non-official agency has come into the District Boards and its whole outlook has changed. These are some of the reasons why the Famine Code should be revised at an early date.

I am not suggesting that the wages should be so liberal as to stand in the way of effective relief. I quite admit that Government should in the long run see that famines are not too hastily declared. But admitting that point I submit that the present rate is so low that it cannot possibly be very effective in removing distress. There is another difficulty with regard to wages. Under the Famine Code the wages is determined by the prices; you give an equivalent sum for 16 chittaks or 12 chittaks of rice as the case may be. You have made a difference between a man and a woman; This should be done away

with and a uniform scale of wages should be introduced. I understand a wages census takes place in Bengal every 5 years and it is quite possible for Government with the amount of statistics in their possession to easily arrive at a figure which may be fixed as the average scale for a particular district. Otherwise difficulties might come in. When a distress occurs in a district the District Board pays wages according to a rate which is approved of by the District Magistrate and the Divisional Commissioner, regardless of whether it is sufficient or not. From this point of view I consider that it is absolutely essential that wages should not be on a ration basis but on a cash basis and it is quite possible for Government to do so.

There is another matter and that is the relative responsibility of Government and of District Boards in the matter of early start of relief work. It is my painful experience that unless District Boards start test work it is very difficult to do so at all under the present Famine Code. In certain districts the district officer, the Divisional Commissioner and the District Board do not agree as to the exact point of time when test work should be started. I think, Sir, if you want to do good to the people diversity of opinion in such important matters should be reduced to the minimum as much as possible and it is very desirable that there should be no difference of opinion on this point. Each and every one of these bodies might be permitted under certain rules to take up this work and not to depend upon too many outside agencies.

5-30 p.m.

Now, so far as my district is concerned I may definitely inform this House that we were not able to follow any of the provisions of the Famine Code.

There is one other matter to which I wish to refer, viz., the information which is furnished to Government to keep Government informed on famine matters. It seems to me, Sir, that the information given by the Sub-Divisional Officer and the District Magistrate is at present not of a satisfactory character, and I think it is time, in view of the fact that Government has got the Co-operative Department, the Industries Department, and the Agriculture Department, which are directly concerned with the welfare and economic condition of the people, that a certain amount of responsibility should also be thrown upon them with a view to finding out whether there is actual distress in a particular area or not.

Sir, I shall not take up the time of the House any more, but conclude by saying that the time has come when, in view of the fact that we are supposed to be getting provincial autonomy, we should get autonomy in some departments at least, and to that end we

should start with the work of revising this antediluvian Code, which was framed on the basis of circumstances prevailing in other provinces.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, Government will be always pleased to consider any definite, constructive, and helpful suggestions for improvement in the working of the provisions of the Famine Code, which may be brought to its notice. But I am afraid it is rather difficult to consider a subject of this importance and magnitude on a motion for a token cut in the budget. The object, so far as I am aware, of a token cut in the budget is to draw the attention of Government to a particular issue. That is a well-understood constitutional aspect of a token cut. So far as that aspect is concerned, I am willing to tell the honourable mover and other members that if any helpful and constructive suggestions are put forward, Government will welcome them. There is one aspect of the question which may require examination. As the Khan Bahadur has informed the House, at the time when the Famine Code was prepared District Boards had official chairmen, and the Khan Bahadur pointed out certain difficulties from the point of view of these District Boards as at present constituted. Well, in referring to those difficulties he was perhaps referring to difficulties from the point of view of non-officials, but we too in the Government have sometimes felt some difficulty in connection with the working of the Famine Code with regard to District Boards now that these Boards are under non-official chairmen. Therefore, that aspect of the question may perhaps require examination. But it may not be wise to try to make any great changes in the Famine Code as it must be remembered that the Code is the result of very large experience not only in this province but in other provinces as well, where, unfortunately, famines and scarcities are more frequent than in our province. I do not know if many members of this House—at any rate many of the newer members of this House—are aware that famine and action under the Famine Code are of comparatively rare occurrence in our province. Since the repartition of the province in 1912 famine was declared in Bengal only twice, and on both the occasions in one particular district, viz., the district of Bankura. Well, there may have been distress in other parts of the province but not famine as contemplated by the Famine Code; there have been distress caused by such calamities as cyclones in some of the East Bengal districts. There have also been floods in North Bengal, and recently there have unfortunately been floods in the district of Tippera. We also know that a few months back there was some distress in the district of Midnapore caused by floods, and only recently Babu Satish Chandra Ray Chaudhuri drew the attention of members of this House to some distress in the district of Mymensingh. But compared with famines and scarcities in other provinces Bengal has been far more

fortunate. Sir, the argument of the Khan Bahadur cuts both ways. The Khan Bahadur apparently desires an inquiry: he apparently wants a revision of the Famine Code. Perhaps, it would be far more helpful, connected as he is with an important district board, if he would formulate certain definite suggestions as to how in that particular district board the Famine Code, as it obtains at the present moment, has worked satisfactorily or otherwise and how in the light of this experience of his board it could be improved. But his is not the only district where there has been scarcity in recent times. In other districts also there has been scarcity even last year, and the experience of the different districts has not been the same. The Khan Bahadur mentioned that in the case of one of the districts a portion of the money which the district board had to spend had to be met out of their own funds. I may tell the House that, perhaps, in every district barring one—and in that district the Khan Bahadur is particularly interested—I am speaking from memory as I had no notice of this particular point—practically the whole expenditure was borne by Government.

Khan Bahadur Maulvi AZIZUL HAQUE: That is not the case. We started famine work and got no money.

The Hon'ble Sir PROVASH CHUNDER MITTER: I think his district also got a fair amount of money but not the whole of the amount spent as some of the other districts did, but there was reason for differentiation between district and district, for instance between Khan Bahadur's district and districts like Bankura or Murshidabad. One reason was that as a result of the recent cess revaluation his district was in a better position to bear more than some of the other districts. For example, so far as I remember the district of Murshidabad was in a peculiarly difficult position, and Government treated that district as also perhaps the district of Bankura and certain other districts in North Bengal as generously as it was possible and perhaps more generously than the Khan Bahadur's district. The Khan Bahadur also admitted that District Officers and Divisional Commissioners, in spite of the Famine Code, did not hesitate to deviate when occasion arose—

Khan Bahadur Maulvi AZIZUL HAQUE: This takes a lot of time.

The Hon'ble Sir PROVASH CHUNDER MITTER: Well, human institutions have their own limitations and imperfections. Even if we were to change the Famine Code, it would take time in actual operation of the working of the changed Code. Therefore, Sir, my general attitude towards this question is that while Government will be quite willing to examine helpful suggestions, it will not be possible

to deal effectively and fully with these suggestions in connexion with a budget cut, the object of which is merely to draw the attention of Government.

Now, as some amount of criticism has been laid at the door of Government as regards the working of the Famine Code, I may give a very short resumé of what we aim at under that Code. The first and foremost object of the Famine Code is preservation of human life. That is considered to be essential, and every possible step is taken to preserve human life. Now, Sir, once human life is saved, other important considerations arise and one such important consideration is the money of the taxpayer. Another important consideration is that provision for work should be made for all those who are able to work. For this purpose test relief works are started, and then if necessary relief works on larger scales are started. For those who are unable for social or other causes to do such work, other suitable form of work, is provided.

[At this stage the time-limit under the head "43.—Famine Relief" was reached.]

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, as the Hon'ble Member has promised to consider the matter, I beg leave of the House to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

The motion that a sum of Rs. 50,000 be granted for expenditure under the head "43.—Famine relief" was then put and agreed to.

The time-limit having been reached the following motions under the head "43.—Famine relief" were not considered:—

Maulvi SHAMSUDDIN AHMED: "That the demand of Rs. 50,000 under the head '43.—Famine relief' be reduced by Re. 1. (Apathy of Government and the insufficiency of grant and the policy)."

Maulvi ASHRAFUDDIN CHAUDHURI: "That the demand of Rs. 50,000 under the head '43.—Famine relief (Reserved)' be reduced by Re. 1. (Brahmanbaria famine)."

45.—Superannuation and 45A.—Commutation of pensions financed from ordinary revenue.

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 59,17,000 be granted for expenditure under the heads "45.—Superannuation" and "45A.—Commutation of pensions financed from ordinary revenue."

The motion was put and agreed to.

46.—Stationery and printing.

The Hon'ble Mr. A. MARR: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 24,24,000 be granted for expenditure under the head "46.—Stationery and printing."

The following motion was called but not moved:—

Maulvi LATAFAT HUSSAIN: "That the demand of Rs. 31,000 under the head '46A.—Stationery and printing—Bengal Government Press—Pay of officers' be reduced by Re. 1 (to discuss the attitude of the Deputy Superintendents towards the employees)."

Maulvi SYED JALALUDDIN HASHEMY: Sir, there are other motions also in my name. I want to withdraw them all. I would ask you, however, kindly to allow me, to make a short statement.

Mr. PRESIDENT: I do not think it is permissible for you to do that. The question of withdrawal only arises when a motion has been moved. So, I should like to know whether you intend to move motion No. 497 which stands in your name.

Maulvi SYED JALALUDDIN HASHEMY: I do not want to move it.

The following motion was, therefore, not moved:—

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 31,000 under the head '46A.—Stationery and printing—Bengal Government Press—Pay of officers' be reduced by Re. 1 (to discuss the attitude of the Deputy Superintendents towards the employees)."

The following motion was called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 7,62,914 under the head '46.—Stationery and printing—Pay of establishment' be reduced by Rs. 86,453."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the demand of Rs. 7,84,700 under the head "46A.—Govenrment Presses—Bengal Government Press" be reduced by Rs. 100. I will not take up much time of the House. My object is to draw the attention of the House to the present state of affairs of prices of Government publications. I want to criticise the want of any definite policy in regulating the price of Government reports and publications, and to urge that they should be available to the public at cheap prices and that they should be distributed free to members of the Legislative Council.

Sir, the present state of affairs is this. The Finance Department issued a circular that the prices of publications should be fixed on a commercial basis, leaving it open to departments of Government to ask the Finance Department to reduce the price of any publication, in case that department finds it necessary to do so. Unfortunately, Sir, the result has been that each department has accepted the first part of the circular and disregards the second part. The result is that Government publications are so highly priced that many people cannot afford to purchase them, even if they wished to do so.

5-45 p.m.

I am giving two examples: one is the report of the Agricultural Department and the other is that of the Irrigation Department. In the year 1905-06 the price of the report of the Agricultural Department was annas eight; in the year 1911-12 it was annas seven, but in the year 1920-21 it was raised to Rs. 2-4. There is a progressive increase in the price of this report as we are progressing towards responsible Government. In the year 1922-23 the price of the report was Rs. 3, in 1923-24 it was Rs. 3-8, in 1924-25 it was Rs. 5-1, in 1925-26 it was raised to Rs. 6-2, in the year 1927-28 it was raised to Rs. 6-10, and in the year 1928-29 the price of the report was further raised to Rs. 7-8. This shows that the progressive realisation of high prices is getting on exactly in the same manner as the progressive realisation of responsible Government.

Next I come to the Irrigation Department. The report of this department is very important in view of the fact that every one is interested at the present moment in perusing the policy which is being followed in that department. In the year 1920-21 the price of this report was Rs. 2, from 1921 to 1923 it was also Rs. 2, but in the year 1923-24 the price was raised to Rs. 9-12; in 1924-25 it was Rs. 12, while in the year 1925-26 it was at once raised to Rs. 33—rather a big jump; in the year 1926-27 the price of the report was Rs. 21-4, and in the year 1927-28 the price was Rs. 25-4. I am not sure what the price of the report is this year. I assume it is Rs. 37. As we are now criticising the policy of the Irrigation Department, it is very necessary that the price of the report should be considerably lowered in order to ensure that the activities of the department may be known to the public. But certainly the figure of Rs. 37 is really very high. This is a matter in which the Parliament of England devoted a certain amount of time and several committees were appointed in this connection; the Parliament adopted the principle, which is certainly not on a commercial basis, in fixing the price of Government reports, that the administration of Government should be known to the people and the public should have an opportunity of getting these things. It is true

that the members of the Legislative Council at present get a red slip from the Secretariat in which they are asked to put their signature and give a cross mark against the publications they want. The slip then goes to the Secretariat from whence it goes to the Book Depôt, and then the copies are supplied to the members. I do not understand the necessity of this slip. We have a right to get the publications as a matter of right. We are here to work the administration and so we ought to get these free in order to know the activities of Government. The red slip system should be dispensed with. The members of the Legislative Council should be requested to intimate as to which of the Government publications they want, so that they may be sent at once to them.

So far as the other thing is concerned, I think it is time that instead of leaving it to the discretion of the different departments individually as to what should be the price of the administration reports, Government should finally decide about it. The reports of the Co-operative, Agriculture and Irrigation Departments are matters which vitally concern the public and require publicity. I will give one example to show that large numbers of copies are sold if the price is cheap. The Dacca University Commission Report was priced at annas four, and in three or four days all the copies were sold. I think that would be a better system than the present one under which less number of copies are sold on account of the high price. From this point of view I am to draw the attention of the House to this matter, and I say that not merely in these departments but in all other departments of Government the price of their publications are so high that it is not possible for the general public to purchase them. I have compiled a list of about two hundred such publications to show this. I hope a statement will be made by the Hon'ble Member-in-charge as to what Government intends to do so far as the supply of copies of Government publications to the members of this House is concerned, and also whether the Government are willing to make the rates acceptable to the public.

Rai KESHAB CHANDRA BANERJI Bahadur: Sir, I beg to support the motion moved by Khan Bahadur Maulvi Azizul Haque. I would only like to draw the attention of the House to one thing, and that is that not only the members of the Legislative Council, but also the recognised public associations and important public libraries should be supplied free with Government publications. I hope the Hon'ble Member will kindly accept the suggestion.

Mr. A. CASSELLS: To take the first part of the motion first—the price of Government reports—it is true, as the Khan Bahadur has said, that the price of each publication is regulated according to a costing system that was introduced some years ago, and the Superintendent of the Press fixes the cost of printing it on that basis. It includes the

actual cost of luction plus 50 per cent. on account of Book Depôt and other incidental charges. At that time it was also arranged that if any department of Government considered it desirable that the sale price of any of its publications should be fixed below the cost price so calculated, that department would refer the matter to the Finance Department stating the reasons for asking that a lower price should be fixed. Possibly all departments have not taken equal advantage of this opportunity, and what Government propose to do is to draw the attention of the departments to the debate in this House, and also to the circular issued at that time so that they may take steps to secure a lower price for such publications as they wish to give publicity to.

Regarding the other point about the supply of copies of reports free to the members of the Legislative Council, the system that exists at present was introduced as a result of the debate in this House in 1921, and apparently with the agreement of the House. This "pink slip" system was introduced, partly to save the members from getting unnecessary copies of publications which they did not want to possess and partly for the purpose of economy. The arrangement was that a member on receiving a monthly list of publications issued by Government was to put a mark against the publications which he desired to have and then send it to the Book Depôt. Certain publications of the principal departments are supplied to the members of the House. They consist of the annual reports of the departments of Police, Jails, Agriculture and Industries, and Co-operative Societies. But if the members of the House wish a modification of the method, Government will be prepared to issue publications to those members who desire to have their names on a standing list, so that, if any member desires, the departmental annual reports may be sent to him as a matter of course. A list will be prepared, if members will send in their names stating which of the annual reports they want. That list will be maintained and those publications will be supplied to the members as they are published.

The motion of Khan Bahadur Maulvi Azizul Haque was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Mr. K. C. RAY CHAUDHURI and Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to discuss the behaviour and attitude of the supervisors towards the piece employees, being members of the Registered Press Employees' Association)."

Mr. K. C. RAY CHAUDHURI and Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 7,84,700 under head

'46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to discuss the grievances of the labourers in the Press.)"

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 7,84,700 under head "46A.—Stationery and printing, Bengal Government Press" be reduced by Re. 1 (to draw attention to the fact that Indians are not allowed to work in the Confidential Section).

Sir, the very word "confidential" is disgusting, humiliating and disgraceful. I will give certain facts and figures to show how and why this Confidential Section was created even in the press. By way of this motion, Sir, I should like to ventilate the grievances of the Hindu and Muhammadan communities that they have no assistants of theirs in the Confidential Section of the Bengal Government Press. I shall state, briefly, before this House how these two communities are shut out from the Confidential Section. The piece system was first introduced in the Bengal Government Press in 1878. The rate allowed was the same in the confidential as well as in the general sections. There was no bar to the Hindus and Muhammadans for working in the Confidential Section. But, Sir, the preferential treatment began in 1912. The reason is not far to seek. In 1912, a general increment of 50 per cent. was allowed to the workers of the Confidential Section, and from that date the Hindus and Muhammadans are completely ignored in the matter of appointment in that section. At the general revision in the year 1920, the general sections obtained 40 per cent. while the workers in the Confidential Section got 90 per cent. increment. Now, Sir, why? Why this sort of preferential treatment? Are the Hindus and Muhammadans not fit for the work carried out in that section? Were they not working till 1912 honestly and satisfactorily? I hope the Hon'ble Member will please satisfy this House as to the reasons for ignoring the claims of efficient workers. It is a fact that the Hindus and the Muhammadans are allowed in the most secret section of the Government, viz., that of the Criminal Investigation Department, and it is an insult for them not to have any access to the Confidential Section of the Bengal Government Press. It is grievance and a first one for the workers, which should be removed by the Government, and I hope this House will support me in the cause of a poor but honest section of employees.

Sir, may I have your permission to make a statement on the remaining motions up to No. 515 that stand in my name. After I make that statement, I may not move the motions at all.

Mr. PRESIDENT: Unless you move the motions, you cannot make a statement. I should like to know whether you wish to make one speech on all the motions up to No. 515 which relate to "46A."

Maulvi SYED JALALUDDIN HASHEMY: Yes. I ..... y move the following motions:—

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the forced realisation of sporting fees.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that the income of the piece employees is daily decreasing.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that promotions are granted not according to any fixed principles.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that the older hands are not entrusted with light works.)"

"That the demand of Rs. 3,55,600 under the head '46A.—Stationery and printing—Press and Forms Department' be reduced by Re. 1 (to discuss the conduct of the Manager.)"

With your permission, Sir, I make the following statement:—

An informal conference was held outside this Council Chamber on the 25th instant at the request of Mr. K. C. Ray Chaudhuri in which, on the one hand met Mr. Cassells, Secretary to the Finance, Commerce and Marine Departments of the Government of Bengal and Mr. Battersby, Superintendent of the Bengal Government Press and on the other side there were the Secretary and the Organising Secretary of the Press Employees' Association and which was also attended by Messrs. Latafat Hossain, M.L.C., and Mr. K. C. Ray Chaudhuri, M.L.C., besides my humble self. After a thorough and heart-to-heart discussion extending for a considerably long time, the Superintendent of the Bengal Government Press having agreed to look into the grievances of the employees and redress them at the earliest possible opportunity and in this connection he having invited the Secretary and the Organising Secretary to go to his place at any time on any day and also whenever any occasion should arise in future to represent any grievance of the employees and the Secretary and the Organising Secretary of the Press Employees' Association also having agreed to the proposal, it was mutually settled to withdraw the motions.

In accordance with that decision I beg leave to withdraw the motions.

6 p.m.

The following motions were, by leave of the Council, withdrawn:—

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the forced realisation of sporting fees.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that the income of the piece employees is daily decreasing.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that promotions are granted not according to any fixed principles.)"

"That the demand of Rs. 7,84,700 under the head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that the older hands are not entrusted with light works.)"

"That the demand of Rs. 3,55,600 under the head '46A.—Stationery and printing—Press and Forms Department' be reduced by Re. 1 (to discuss the conduct of the Manager.)"

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI: "That the demand of Rs. 9,76,000 under the head '46.—Stationery and printing—Stationery supplied from Central Stores' be reduced by Rs. 1,76,000."

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 24,24,000 under the head '46.—Stationery and printing' be reduced by Re. 1. (Policy towards the purchase of stores.)"

Khan Sahib Maulvi BAZLUL HUQ: "That the demand of Rs. 24,24,000 under the head '46.—Stationery and printing' be reduced by Re. 1."

Mr. PRESIDENT: There is still one motion on which you can reply: No. 505 has not yet been disposed of.

Mr. A. CASSELLS: Sir, I take it that the motion No. 505 is the motion now before the House—the question of the Indians and the Confidential Section of the Government of Bengal Press. I can assure the mover at once that there is no bar to the employment of Indians in the Confidential Section of the Press. The number of employees

in that section is 46, 26 of whom are Indians and 20 Europeans or Anglo-Indians. It is true that most of the compositors are Europeans and Anglo-Indians; and Indians are in the majority in the lower posts but there is no bar to the employment of Indians and the Superintendent has not been restricted by Government from employing Indians. There is no question of distrust and the Superintendent has full power to employ men whom he considers suited for the Confidential Section.

Maulvi SYED JALALUDDIN HASHEMY: In view of that assurance I beg to withdraw my motion.

The following motion was then, by leave of the Council, withdrawn:—

"That the demand of Rs. 7,84,700 under head '46A.—Stationery and printing—Bengal Government Press' be reduced by Re. 1 (to draw attention to the fact that Indians are not allowed to work in the Confidential Section.)"

The motion that a sum of Rs. 24,24,000 be granted for expenditure under the head "46.—Stationery and printing" was then put and agreed to.

47.—Miscellaneous.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I move that a sum of Rs. 3,54,000 be granted for expenditure under the head "47.—Miscellaneous."

Maulvi SYED JALALUDDIN HASHEMY: There are two motions in my name and I will only move this one No. 520.

I move that the demand of Rs. 9,500 under the head "47B.—Charges on account of European vagrants, etc." be reduced by Rs. 9,000 (to criticise the policy of Government towards the vagrancy problem).

The object of my motion is to criticise the policy of Government towards the vagrancy problem in town————

The Hon'ble Mr. A. N. MOBERLY: On a point of order, Sir, I submit the hon'ble member has no right to discuss anything beyond European vagrancy under this motion.

Mr. PRESIDENT: Technically the Hon'ble Member is right; but it would all depend on the way in which and on the extent to which the mover touches upon questions of other vagrants. I think the mover will understand that this demand is made for European vagrants only and his criticisms, therefore, should be mainly directed towards them.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I should at the outset like to make my object quite clear. My purpose is not to refuse help to poor people because they happen to belong to a particular nationality or community. My point is this: People outside India tell us that we are communalistic and that we are this and that. I want to know this. I know there is a statutory obligation under the Vagrancy Act on the part of Government to give relief to European vagrants. The Magistrate is allowed under that Act to provide jobs for any European who finds himself in poor circumstances. In Calcutta we find there are many poor Indian vagrants even to-day.

Sir, I know a Vagrancy Committee was appointed in 1918 and I want to know what has been done about the recommendation of that committee and I want to know also what has become of the recommendations of Mr. Campbell Forrester's resolution which was passed by this Council.

Mr. PRESIDENT: Order, order. It is now clear that the mover of the motion under discussion wishes to attack the policy of Government towards vagrancy in general. He cannot do that as his motion is not for a token cut. It proposes an economic cut and a large cut too. Of course, it may be that he has made the proposal to record his protest against the policy of Government towards Indian vagrancy.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I want to know the meaning of the term "European" in that particular Act. Everybody on the face of the earth has been included in that Act as Europeans—Germans, Russians, people from Honolulu and such other places.

Mr. PRESIDENT: You may ask one or two questions relevant to the subject of vagrancy.

Maulvi SYED JALALUDDIN HASHEMY: I also want to know what has become of the recommendations of the Vagrancy Committee and the Resolution of Mr. Campbell Forrester regarding this problem in Bengal?

The Hon'ble Mr. A. N. MOBERLY: Sir, as regards the last question put by the mover I am afraid I cannot answer the question as it affects the Public Health and the Local Self-Government Departments. Dealing with the motion as it stands, we have, as the mover has himself pointed out, a statutory obligation to maintain an institution for European vagrants. We want Rs. 9,500 altogether out of which Rs. 2,350 goes towards that institution and the remaining Rs. 7,000 is required for the deportation of undesirables. The mover would only allow us Rs. 500 which would be totally insufficient to maintain the institution at all. I would therefore ask the Council to reject this motion.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and lost.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY: "That the demand of Rs. 14,000 under the head '47D.—Special Commissions of Enquiry' be refused."

The motion that a sum of Rs. 3,54,000 be granted for expenditure under the head "47.—Miscellaneous" was then put and agreed to.

Expenditure in England.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I move that a sum of Rs. 7,14,000 be granted for expenditure under the head "Expenditure in England."

The motion was put and agreed to.

Loans and Advances.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I move that a sum of Rs. 19,18,000 be granted for expenditure under the head "Loans and advances."

The motion was put and agreed to.

Mr. PRESIDENT: The Council is adjourned to Monday next at 3 p.m., His Excellency the Governor having allowed that day for the discussion of certain Bills of which the members have already got proper notice.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 31st March, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 31st March, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

Starred questions

(to which oral answers were given).

Removal of the Deputy Postmaster-General's office from Dacca.

***116. Rai KESHAB CHANDRA BANARJI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state what decision, if any, has been arrived at regarding the proposed removal of the Deputy Postmaster-General's office from Dacca?

(*b*) Is the Hon'ble Member aware of the existence of a strong public feeling against the removal of the said office as reflected in the resolutions passed and the representations made by the leading public associations in Dacca?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The Government of Bengal are not aware what decision has been arrived at.

(*b*) Yes.

Railway communications between Dacca, Tangail and Mymensingh.

***117. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether there is any likelihood for opening the railway communications between Dacca, Tangail and Mymensingh?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the railway construction will commence?

(c) If the answer to (a) is in the negative, will the Hon'ble Member be pleased to state what steps, if any, are being taken by the Government of Bengal in the matter?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A Marr): (a) The Railway Board informed this Government last year that no decision had been made with regard to the various proposed alignments of railways in the Dacca and Mymensingh districts, of which the Dacca-Tangail-Mymensingh alignment is one.

(b) Does not arise.

(c) Last year this Government recommended that the Tangail-Jamalpur-Gopalpur railway project be given first place in the construction programme.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state what has been the effect of the recommendations of the local Government?

The Hon'ble Mr. A. MARR: The whole railway programme has been cut down on account of the finances of the Government of India.

Dredging operation in the Dhalleswari or any other river in the Dacca district.

***118. Rai KESHAB CHANDRA BANARJI Bahadur:** (a) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the Inland Steam Navigation Companies have carried on dredging operations recently in the Dhalleswari or any other river in the district of Dacca?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether the same was done with the knowledge and sanction of the local Government?

MEMBER in charge of IRRICATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): (a) Yes; in the Dhalleswari and Buriganga.

(b) Yes.

Dacca-Aricha Railway project.

***119. Rai KESHAB CHANDRA BANARJI Bahadur:** (a) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state the reasons for the delay in completing the land acquisition in connection with the Dacca-Aricha Railway project?

(*b*) Will the Hon'ble Member be pleased to state what is the present position of the Dacca-Aricha Railway project?

(*c*) Is the Hon'ble Member aware of an apprehension that exists that the scheme is not likely to materialise in the near future as a result of the activities of vested interests?

(*d*) Will the Hon'ble Member be pleased to state the total amount spent up to date under different heads in connection with the said railway construction?

The Hon'ble Mr. A. MARR: (*a*) Proceedings for the acquisition of the land for the Dacca-Aricha Railway have not yet been started.

(*b*) Work during 1930-31 will be confined to the completion of the final location survey, and possibly the acquisition of land.

(*c*) It is understood that such apprehensions exist in certain quarters.

(*d*) The Government of Bengal have no information.

Rai KESHAB CHANDRA BANARJI Bahadur: Will the Hon'ble Member be pleased to state when the land acquisition proceedings are likely to be completed?

The Hon'ble Mr. A. MARR: I cannot say, Sir; that is a matter altogether for the Government of India.

Ministerial officers in certain medical colleges and schools in Calcutta.

***120. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the respective numbers of Hindu and Muhammadan ministerial officers temporarily and permanently employed at present in—

(*1*) the Calcutta Medical College Hospital;

(*2*) the School of Tropical Medicine and Hygiene;

(*3*) the Campbell Medical School Hospital;

(*4*) the Presidency General Hospital; and

(*5*) the Sambhu Nath Pandit Hospital; and

(*ii*) the number of vacancies that occurred in these institutions during the last five years?

(*b*) If the number of Muhammadans appointed in these institutions is less than the proportion fixed by Government, what is the reason for the same?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) and (*b*) A statement is laid on the table. The statement includes the reasons for the shortage of Muhammadans where this occurs.

Statement referred to in answer to clauses (a) and (b) of starred question No. 120.

Name of medical institution.	Number of existing ministerial officers.		Number of vacancies during the last five years.	Number of Muhammadans appointed during the last five years.	Reasons for inadequacy of Muhammadan ministerial officers.
	Hindu.	Muhammadan.			
1	2		3	4	5
1. Medical College Hospitals, Calcutta.	20 + 4*		27	8	Want of suitable candidates. Attempt was made to appoint Muhammadans in the four vacancies. Two Muhammadans were written to for interview of which one did not turn up. The other though appointed had to be discharged for frequent absence from duty.
2. Tropical School and Carmichael Hospital, Calcutta.	10 + 3		8	7	....
3. Campbell Medical School and Hospital, Calcutta.	16 + 3		8	3	Several Muhammadan clerks were engaged on probation but were found not up to the standard necessary for confirmation.
4. Presidency General Hospital, Calcutta.	5 + 1		2	1	At first no suitable Muhammadan was available but latterly one was appointed.
5. Sambhu Nath Pandit Hospital, Calcutta.	2 + 0		1	..	A Hindu was taken in as no Muhammadan with the required experience was available.

*For one of these posts a Muhammadan is being appointed.

Defective vision of the college and school students.

*121. **Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the number of college and school students suffering from defective vision is alarmingly increasing?

(*b*) Has any arrangement been made for—

(*i*) testing the eye-sight of such students;

(*ii*) finding out the cause of their defective vision; and

(*iii*) adopting remedial measures?

(*c*) If any staff has been engaged for the purpose, how many of them are Hindus and how many Mussalmans?

(*d*) Is it a fact that some time ago the Director of Public Instruction, Bengal, recommended to the Director of Public Health to utilise the honorary services of a British-qualified eye-specialist for the purpose of examining the eye-sight of school children in Calcutta?

(*e*) Have the honorary services of such an eye-specialist been utilised? If not, why not?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Government have no information showing an increase.

(*b*) (*i*), (*ii*) and (*iii*) Yes, by the Public Health Department in respect of Government and Government aided secondary schools in Calcutta.

(*c*) Three doctors who are all Hindus.

(*d*) Yes.

(*e*) No: because he required higher remuneration than the department were prepared to give and because he was not willing to do general medical examination but only eye work.

Departmental proceedings against ministerial officers of the Police Department.

*122. **Babu HOSENI ROUT:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state what is the procedure adopted in departmental proceedings against ministerial officers?

(*b*) Is there any rule which bars the presence of the Government servant concerned, at the time of his original departmental inquiry and of examination of witnesses and when appeals are dealt with if he prays for it in his explanation, which he is made to submit under the orders of the Superintendent of Police and the Deputy Inspector-General of Police?

(*c*) Are proceedings drawn up and dealt with without allowing the Government servant concerned to examine and cross-examine witnesses and inspect records of his case?

(*d*) Is there any rule on the strength of which the dealing authorities are empowered to remove or refuse to show the Government servant concerned papers belonging to the proceedings file?

(*e*) Are ministerial officers who have earned pension deprived of the same, if discharged as a result of defective proceedings on petty charges, such as delays and irregularities?

(*f*) When proceedings are considered to be a fit case for re-opening and re-trial, what is the procedure therefor?

(*g*) What is the procedure for Government servants who are punished, to proceed to lay their grievances before His Excellency the Governor?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) to (*d*)For departmental proceedings against ministerial officers of the Police Department the procedure is set forth in detail in rules 1109 and 1056, P.R.B., Vol. I, 1927, a copy of which will be found in the Legislative Council Library and to which the member is referred for full particulars.

(*e*) Government are not aware of any such case.

(*f*) The same as that prescribed for the original proceedings, *vide* (*a*) above.

(*g*) Officers in subordinate services have no right of appeal to His Excellency the Governor but due consideration is given to every memorial submitted through the proper channel.

Separation of Malda from Rajshahi for judicial works.

*122. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is the intention of Government to separate Malda from Rajshahi for judicial works even after the difficulty of communication is over, by the opening of the railway line from Nawabganj to Rajshahi *viâ* Amnura railway station in the Godagari and Katihar line?

(b) Has it been considered by Government whether it is now possible and convenient to extend the jurisdiction of the Nawabganj Munsif's court as before and to invest the Munsif of Malda with powers to try suits up to the value of Rs. 2,000 as before and by these arrangements to avoid the necessity of locating a Subordinate Judge permanently at Malda?

(c) Has it been considered whether it is now more convenient owing to the opening of the recent railway communication above referred to for the Nawabganj litigants to come to Rajshahi than to go to Malda?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (a) to (c) These questions have not been examined, but this will now be done in consultation with the High Court. Any proposal which involves new expenditure, however desirable it may be, will however have to be considered along with many others before funds can be allotted.

Subdivisional headquarters at Bajitpur in the Mymensingh district.

*124. **Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) what was the original estimate of costs for creating a subdivisional headquarters at Bajitpur in the district of Mymensingh;

(ii) what amount has already been spent out of the said estimated costs—

(1) for acquiring lands,

(2) for excavation of tanks, and

(3) on other works, and

(iii) what further outlay would be necessary to start the subdivisional offices there excluding the costs of civil court buildings?

(b) How many civil courts are there already?

(c) Will the Hon'ble Member be pleased to state—

(i) whether it is a fact that the town of Bajitpur is the most convenient centre in point of accessibility, etc., for the people of those low-lying areas comprising Astagram, Dhaki, Mitamoia, Kastool and other places known commonly as the sea area which form the bulk of the jurisdiction of the Bajitpur chowki, and

(ii) whether it is a fact that the absence of subdivisional criminal courts at Bajitpur is being keenly felt by the people of the abovementioned areas?

(*d*) Are the Government considering the desirability of creating a subdivisional headquarters at Bajitpur as soon as funds are forthcoming?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) (*i*) Rs. 6,63,621.

(*ii*) (*1*) Rs. 51,068.

(*2*) and (*3*) The information has been called for from the Superintending Engineer.

(*iii*) Probably about Rs. 5 lakhs. Exact information cannot be given at present.

(*b*) Two Munsif's courts.

(*c*) (*i*) This is a matter of opinion.

(*ii*) A memorial was submitted to Government in 1922 by the people of the chowki of Bajitpur. They were informed that all work in connection with the partition of Mymensingh district had been closed down owing to the refusal of this Council to vote the necessary funds. Resolutions recommending the creation of a subdivision at Bajitpur were tabled in 1925 and in 1929 but were not reached.

(*d*) No.

Excavation and improvement of the Lakhra khal.

*125. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that there is a khal known as Lakhra lying silted up for many years within the police-station Raina in the district of Burdwan;

(*ii*) that due to the silting up of the khal the neighbouring villages are inundated during the rains causing great loss of property to the poor cultivators of the locality; and

(*iii*) that thousands of acres of lands are lying uncultivated owing to the stagnation of flood water during the rains?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any scheme has been prepared for the excavation and improvement of the said khal?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking up the silt-clearing work along with the Damodar Canal project?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) Yes.

(*ii*) The congestion is due to the silting up of the khals further to the east.

(*iii*) Yes.

(*b*) A project for silt-clearance of the silted-up khals was sent to the Collector in 1927 to take action under Act VI of 1920.

(*c*) The case has no connection with the Damodar Canal project which lies on the other side of the river.

Unstarred questions

(answers to which were laid on the table).

Re-excavation of Balugram-Tentulia khal in Faridpur.

111. Mr. SARAT CHANDRA BAL: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that the Balugram-Tentulia khal in Faridpur is in immediate need of re-excavation; and

(*ii*) that water-hyacinth from the Kumar river enters through Balugram entrance and destroys paddy and jute plants of more than 174·9 square miles every year?

(*b*) Is the Hon'ble Member also aware that the Balugram-Tentulia Association, Faridpur, recognised by the District Magistrate in his letter No. 6804 J., dated 27th September, 1928, proposes to take steps to prevent the water-hyacinth from entering into the bil area and destroy water-hyacinth already within the area and has constructed temporary bund near Kumaria to prevent the water of the Kumar river from entering into that area and flooding the low lands at the time of cultivation?

(*c*) Are the Government considering the desirability of constructing, or helping the Balugram-Tentulia Improvement Association with funds to construct, a permanent sluice gate at Balugram in order to prevent the continuous entry of water-hyacinth from the Kumar and to control the flow of water?

(*d*) Will the Hon'ble Member be pleased to state whether the Government received any representation from the public of Gopalganj (Faridpur) objecting to the erection of a bund across the Bedgram khal?

(*e*) If so, what action does the Government propose to take in the matter?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) Yes.

(*ii*) Government have no precise information on this point, though there is much hyacinth in this area.

(*b*) No.

(*c*) No such demand has reached Government.

(*d*) Yes.

(*e*) The matter is under investigation.

Publication of the Irrigation Committee Report.

112. Rai KESHAB CHANDRA BANARJI Bahadur: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state when the report of the Irrigation Committee is likely to be published?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The report is expected to be published in the second half of April, 1930.

Supplementary answer to starred question No. 124.

The Hon'ble Mr. A. N. MOBERLY: As regards (*a*) (*ii*) (*2*) and (*3*) I may state that when the question was originally answered I had not the information. I have now got the figures. They are under (*a*) (*ii*) (*2*) Rs. 10,969, and under (*a*) (*ii*) (*3*) Rs. 91,262.

LEGISLATIVE BUSINESS.

Government Bills.

The Calcutta Municipal (Amendment) Bill, 1930.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to present the report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1930.

I beg to move that the Calcutta Municipal (Amendment) Bill, 1930, as reported by the Select Committee, be taken into consideration.

Sir, this is the first legislation which I have the honour to deal with as a Minister, and I am glad to be able to present unanimous reports of the Select Committee and to find practically no opposition in Council. Although the Bills are brief, the changes in the law they introduce are a substantial step in improving power to ensure proper standards in food commodity.

I would, however, like to say a few words about clause 4 of the Calcutta Municipal (Amendment) Bill. It has been represented that difficulties might arise under this section through the fact that tinned milks are of different types and that standards are already prescribed by the Government of India under the Merchandise Marks Act, with which, it is obviously desired that the standards prescribed by the local Government should conform. Apprehension has also been felt in some quarters that provisions for labelling might result in inconvenience to the trade in standard brands of imported milk, especially if the type of labelling required differs in different areas. Sir, I have examined the position with regard to these comments and I am in a position to give certain assurances which will, I hope, allay any apprehension felt. In the first place, it has been verified from the legal advisers of Government that the terms of the two Bills will enable Government to prescribe different standards for different types of tinned milk, for example Full Cream Milk, and Skimmed Milk, and it is the intention of Government to prescribe standards for such different grades of milk according to their grade. Moreover, in fixing the proportion of fatty solids, the Government of Bengal will naturally bear in mind the criterions already adopted by the Government of India under the Merchandise Marks Act with a view to bring the standards of Bengal into conformity with those already in existence for India as a whole.

As regards provision for labelling the Government would, of course, ensure that the requirements prescribed should be uniform for Calcutta and the rest of Bengal. It is impossible to hope beyond this and ensure uniformity with labelling prescribed in Rangoon or in other parts of India, but Government would certainly co-operate in any efforts to obtain a common standard for a matter of this kind, subject to the use of vernacular in labelling for Bengal. Sir, I might add that the rules to be framed will be preliminarily published and that the opportunity will then arise for discussing any details outstanding to the interests affected by the rules. With these words, Sir, I commend my motion to the acceptance of the House.

The motion was put and agreed to.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the said Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Food Adulteration (Amendment) Bill, 1930.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to present the report of the Select Committee on the Bengal Food Adulteration (Amendment) Bill, 1930.

I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1930, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I beg to move that the said Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal (Rural) Primary Education Bill, 1929.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to present the report of the Select Committee on the Bengal (Rural) Primary Education Bill. 1929.

Maulvi ABUL KASEM: May I rise on a point of order?

Mr. PRESIDENT: What is your point?

Maulvi ABUL KASEM: My point is this: The Hon'ble Minister who is presenting the report of the Select Committee did not introduce this Bill and was not a member of the Select Committee. How can he present the report of the Select Committee?

Mr. PRESIDENT: The Hon'ble Minister who is in charge of the Department of Education should be able to present the report of the Select Committee.

The Hon'ble KHWAJA NAZIMUDDIN: I rise to move that the Bengal (Rural) Primary Education Bill, 1929, as reported by the Select Committee be withdrawn.

Sir, to one who like myself is keenly interested in the passage of a Bill to make an appreciable advance in primary education and to find the funds necessary for such an advance, it is very disappointing to have to rise and move a motion for the withdrawal of a Bill. But unfortunately the Select Committee have so handled the Bill and given it a form which I hope to demonstrate can only result in waste of public money and chaos. The fundamental alteration is the grant to a Central Committee independent of Government the whole power of directing the policy and administration of primary education. The principal change which has been made by the Select Committee is the

transfer from Government and the Legislative Council all control over primary education to a Central Executive body composed mainly of non-officials. This body is called the Primary Education Board of Bengal. Independent powers have been given to this body and they are authorised to frame statutory rules without the consent of Government. It is true the Legislative Council is allowed to retain the right of refusing its vote to any sums asked for by the Board in excess of that at present spent on primary education. But if the Council were to vote these sums the Minister would have practically no control over their administration. The natural result of this will be that the Minister not being directly interested in the policy or administration of primary education will not be so keen to provide funds specially when equally important schemes for secondary and University education in which he will be directly interested will be claiming his support and backing. The Board will control the District Councils of primary education which are mainly non-officials. The number of the members of the District Councils has been increased which will not help the smooth working of the Council. Full control of primary education by a Central Committee will mean the abdication of all rights and control by the Minister and the Legislative Council. Apart from the obviously unsatisfactory nature of the above solution the position appears to be fundamentally and constitutionally unsound. For all practical purposes neither the Minister nor the members of the Legislative Council, the accredited representatives of the people of Bengal, would have any control over the provincial administration of primary education for this has been transferred to the Board by the changes made by the Select Committee. This means that the population of Bengal is disenfranchised in respect of the provincial administration of primary education. In my opinion the members of the Select Committee have based their policy on the supposition that the present system of Government is going to be permanent but within two or three years there is every reason to believe that some kind of provincial autonomy will be granted and the Government will be entirely responsible to the legislature. Under those circumstances no one can argue that a Minister or the Government will not truly represent the public opinion and if that be so, there can be no justification for creating a statutory body which will be responsible to no one and will have the control of expenditure of a sum of money amounting to one crore and thirty lakhs annually. Even in England the Board of Education is a purely official body and to all intents and purposes is the Minister for Education. It has been contended that the Central Executive body is necessary because Government have not the time to spare to attend to primary education. This argument is invalid for Government must obviously find the necessary time and if necessary provide for officers. For instance it is under the contemplation of Government to appoint a special Director of Public Instruction to deal with primary education.

I am not prepared to go forward with any Bill which would allow the Minister (and through him the Legislative Council) no power to influence policy or administration in this matter of rural primary education. As long as the control is in the hands of the Minister of Education the members of the Legislative Council can annually check, criticise and guide the policy and administration by means of motions reducing the grant by Re. 1 a motion which is usually very much respected and feared by Ministers. On the other hand the Central Committee with absolute powers and no responsibility either to the legislature or to the Department of Education can carry on a policy which may not be wholly against the wishes of members of the Council but they may so mismanage that before action can be taken by the legislature irreparable harm may be caused to primary education. Unfortunately for primary education in the province the Legislative Council in referring the Bill to a Select Committee did not take the precaution of ensuring a membership proportionate to that of the various parties in the House with the result that the views of one party only were able to find place in the amended Bill. I hope the Council will not again make such a mistake. I hope too that I have been able to satisfy this Council that it is impossible for me to accept the decision of the Select Committee and that in not accepting the views of the Select Committee of the House I am not flouting the Council in any way. I will before leaving the subject of the powers of the Central Board refer to another point. It may be argued that it would be possible to work the Bill if the Board be constituted in such a manner that it could be trusted to function efficiently and to be free from political influence and actually secure the rights of minority. The subject is, however, in my opinion too important to warrant such an unnecessary and may be costly and disastrous experiment, whilst the experiment would introduce numerous complications regarding funds, staff, etc. The complications which would arise would be fatal. A newly created body with no experience of administration as a body would have to control the administration of about a crore of new expenditure. They would require a vast financial organisation which could not be readily improvised and which would certainly be expensive. They would require the services of a complete inspectorate for primary education necessitating either very expensive duplication with Government staff or the expense of deputation of Government officers under the Board. They would have to decide on difficult political, communal and financial problems connected with policy in regard to curricula, religious instruction, allocation of funds to different areas, location of schools and selection of teachers. Even if such a body were capable of solving such problems their solution would be futile if it were not in consonance with the solution of similar problems adopted by the various branches of Government. There is no reason to suppose that the result of creating such a body would not be a waste of particularly the whole

of the additional taxation and such a check to education from which it would take many years to recover. As most of the members of the Council are aware Government have accepted most of the proposals of the first Select Committee and they are proposing to have in the new Bill a Central Advisory Committee. It may be suggested, as indeed it occurred to me, that it would be possible for Government to proceed with the Bill as amended by the Select Committee and move or cause to be moved amendments which should leave the Central Committee with those advisory powers only which were originally in their Bill, but alas! the Select Committee did its work so well that such a course would waste the time of this Council and the likelihood is that in the end the Bill after amendment might be such as to satisfy no one and might have to be dropped altogether. The Legislative Department have published the amended Bill with amendments underlined and it will be seen how numerous are these amendments creating powers for the Central Committee to which I have taken such strong exception. I propose, therefore, as soon as possible if the Council gives me leave to withdraw the Bill, to introduce another Bill. The form of that Bill and the provision need not be discussed at this stage. I will merely say that it is a Bill closely following the Bill as amended by the first Select Committee but with the cess proportion of three and a half and one and a half between raiyat and landlord. I would like to assure the House that the new Bill will be introduced by me at the earliest possible date. It was originally my intention to move the introduction of a Bill in this session but that has been found inadmissible. To avoid any delay, therefore, the new Bill will be published in the Gazette under rule 47 at once and at the earliest possible date and it is my intention formally to introduce it in the next session. I hope to be in a position to move that that Bill be then taken into consideration. I trust I have explained clearly why I cannot proceed with the Bill as amended by Select Committee and why I am compelled to abandon the whole of the work of that Committee. The course I am adopting will enable the most rapid progress to be made in the solution of the problem of rural primary education and it is for that reason and with that object that I am having recourse to this procedure, namely, to ask the Council for leave to withdraw. I hope, as soon as I can, to ask you to take into consideration a new Bill, firmly convinced that you too, are striving, as I am, to get a Bill on the statute book which will advance primary education in the province and hasten the day when it will be free, universal and compulsory for every child in Bengal.

3-30 p.m.

Rai Dr. HARIDHAN DUTT Bahadur: I think, Sir, this House will be well advised in refusing permission for the withdrawal of the

Bill. I do not deny, on the other hand I agree with the Hon'ble Minister, that the report of the Select Committee is not satisfactory. There are so many notes of dissent attached to this report of the Select Committee that when going through this report one is perplexed to find what is the actual decision of the committee. One is also surprised to find that out of 34 members of the Select Committee 21 submitted notes of dissent. I was curious to find out how the Bill could eventually come out of the Select Committee when so many as 21 members were dissatisfied with the constitution which the Bill received at the hands of the Select Committee. However, at the present moment I am not inclined to discuss this aspect of the Bill. My suggestion to the House is that the report of the Select Committee be not allowed to be withdrawn but that the whole thing should be discussed on the floor of the House with a view to improve the Bill.

It may be suggested, Sir, that when the Government have decided to bring in another Bill in the near future, there is no necessity of wasting the time of the House by going into the Bill in detail. To that I respectfully submit that the Hon'ble Minister has given us no assurance as to when his Bill is coming. Then I find the Hon'ble Minister has forgotten or did not care to circulate the draft Bill which must be in his possession. These are two important reasons for which I am suggesting that permission to withdraw be refused.

Then, Sir, we have information that the Hon'ble Minister held a conference with certain friends of his at which the Bill, or the subsequent Bill which he has in view, or the important principles of such a Bill were considered, and members on this side of the House, at least I and most of my friends here, were never consulted in that connection. All these things lead us to think that something is going on within the closed doors of the Hon'ble Minister's office which may not be suitable to our requirements so far as primary education is concerned. Sir, this primary education question has been before the public for more than a quarter of a century. I remember, 25 years ago when I was a young boy, Mr. Gokhale—now dead—raised a discussion for the introduction of primary education in India. Since then we have had promises almost every year from Government and from men in authority that the question of primary education would be taken up in right earnest. But where do we stand to-day? Twenty-five years have passed away and I find that Calcutta as well as the mufassal stands in the same position or rather the mufassal has been in a worse condition. A Bill has been drafted, and thrashed on the floor of the House but nothing has resulted from it. All these lead us to think that something must be wrong somewhere, that is why we could not make any progress. However bad the Bill may be, however worse it may have been made by the Select Committee, as the Hon'ble Minister has said, I am of opinion that it is not impossible or too late for us to mend

it. With the help of our friends co-operating and by means of judicious amendments carefully drafted in this House it is quite possible to amend it and evolve out of it an Act which would materially help primary education in our country. We have waited long, so long. that our patience is exhausted. Not only myself but many of our friends here and outside are particularly anxious that no further time should be lost in enacting a Primary Education Act so that we may really have free compulsory primary education all over our motherland. These are the reasons for which I suggest that permission for the withdrawal of the Bill should be refused.

Dr. NARESH CHANDRA SEN GUPTA: If I heard aright I understood the Hon'ble Minister in answer to a question asked by my friend Lt. Bijoy Prasad Singh Roy on the 17th instant, to say that though he had consulted only certain members of this House in connection with the Primary Education Bill there was no reason to suppose that other members would not similarly be consulted. If this is the way in which he thinks he has kept his promise to consult other members of this House with reference to the Primary Education Bill before he took the decisive step, I am afraid he will not have much congratulation from this side of the House for keeping his word.

The Hon'ble Minister has explained to the House why Government do not propose to go on with this Bill and the reasons have been perfectly clearly stated; these are precisely the reasons for which I think that leave ought not to be granted by this House to withdraw the Bill. In common with Dr. Haridhan Dutt I agree that the Bill as amended by the Select Committee is not satisfactory in detail and if it comes for consideration before the House I shall be prepared to move a large number of amendments on details. But I think there are one or two valuable principles which have been embodied in the Bill as amended by the Select Committee. One of the principles is that this Bill commits the Legislature and the Government to a programme for introduction of free and compulsory primary education within a limited time. That is a remarkable thing; it is, I think, very satisfactory. Whether 10 years is a reasonable limit to fix or whether it should be a longer period is immaterial, but if we are really in earnest about this matter of introducing universal, free and compulsory primary education in Bengal, if we really want that every man and woman shall be educated within a reasonable time, then we have got to make up our minds to frame a programme by which we shall achieve that end within a reasonable time. The settling of a programme may take some time; but the acceptance of this principle is a most important principle which has been introduced by the Bill. The next most important principle introduced by the Select Committee is the constitution of an

independent board. I must say that I do not want to be understood to subscribe to the actual constitution of the board as suggested by the Select Committee. I say that the principle should be that there should be an independent body with the sole object of spreading primary education in Bengal. I think that is the only practical way of dealing with this enormous problem.

It has been said by the Hon'ble Minister that there are constitutional difficulties in placing these important matters in the hands of a body which would be independent of the Minister and independent of the Legislature. I find that there is no substance in this argument and I do not think there is any sincerity behind it. There is no constitutional bar to placing a specific Act of Government in the hands of a specific statutory body; it is being done every day and with the progress of time this method of entrusting special work to a special body is coming more and more into vogue in western countries. In this country not very long ago a very important piece of work, which bears some analogy to the work now before the House, was entrusted to a special statutory body created for the purpose because it was thought by Government that without such a statutory body the Government were incapable of carrying out the work with that single-mindedness which was necessary to cope with the work. And the result we see before us to-day. When the Calcutta Improvement Trust was created what was it but a statutory body entrusted with the work of drawing up a definite programme for the improvement of Calcutta. And because they had a board which could give their single-minded attention to the work of improving Calcutta that this stupendous work could be successfully done. That is a sort of work which could not have been done by Government or the Corporation. If one looks at the problem of universal primary education one will find that this is also a stupendous problem; no amount of half-time work, no amount of occasional interest which is all that a Minister might take in this important problem will enable the Government to complete it within half a century. What we want is a statutory body, provided with necessary funds, with the definite object of spreading primary education amongst all men and women in Bengal. With such a body only we may go on, but the ponderous machinery of Government will move at a slow pace for ages to come without appreciably coming nearer the end. Therefore, I say that such a statutory body for the purpose of drawing up a definite programme for the achievement of universal primary education within a fixed period of time and working on that programme is not only perfectly justifiable but that it is the only thing we can do to achieve that end. There is nothing very extraordinary in the idea of having a statutory body with funds guaranteed for carrying on this work of primary education, for such statutory bodies already exist elsewhere. The University of Dacca is given a

statutory grant of Rs. 5½ lakhs for carrying on a particular work—work of education. Can it be said that it is very wrong in principle that the Government which provides all the funds should have no control over the details of University education at Dacca? Will it be reasonable and sensible to say that a statutory body which we took the greatest care to constitute should not have any power to deal with these funds to achieve the very object for which it has been framed without constant interference from the Secretariat?

Besides this the Minister,—and I find that in this as well as in most of what he has said he has paraphrased Mr. McAlpin's note—has given a democratic colouring to this objection. It is said that we the representatives of the people will be deprived of all control over primary education in this province. We are deprived of control over many things, and supposing we are deprived of all control over primary education for the sake of efficiency and it is entrusted to a special statutory body, a special statutory body constituted for the purpose it would be no great harm. Besides it is a great error to say that this legislature will have no control over a statutory body thus constituted. The legislature is certainly competent at any moment to amend the law and bring the statutory body to its knees. That power the legislature always has and that power will enable it to exercise control in case there is great abuse of power. Subject to that I think that this work is more or less the work of specialists and we must see that these persons who are specialists in this work are not interfered with unnecessarily.

3-45 p.m.

The work is the work of primary education, and it should go on unhampered so long as that body entrusted with the work does it properly. If it fails to do it properly, the legislature can at any moment take away its powers. That is the way in which these statutory bodies should be constituted. As a matter of fact, it has been found that it is the only way in which educational bodies of this sort should be controlled by the legisalture. The legislature is not the proper place where to discuss these educational questions: the proper place is a body which has specialised in the ways of education, although the constitution of the body as suggested by the select committee may not be desirable as has been said. If such a body abuses its powers, if it does not act properly, i.e., if it acts in such a way as to forfeit our confidence, the legislature will always have the power of control. The Hon'ble Minister said that we cannot move cuts in the budget, but the moving of futile cuts of Re. 1 is not the only way of controlling. There are far more drastic methods of control, and those drastic methods are always at the disposal of the legislature. And except in cases of gross abuse, in which case only drastic steps should be taken,

I claim that, so far as the details of administration go, such a body ought to be made free from the control of the legislature and the Secretariat. I think, therefore, that this principle is a most important and valuable one. It is a principle upon the basis of which you can possibly construct the edifice of universal and free primary education, which, I think, will now be recognised as an inseparable part of every civilised administration, but which, nevertheless, is a thing which the Government of Bengal have so far been tardy in realizing. If you want to place primary education on a sound basis, the best way to do this is to entrust the work to a statutory body, which will work in the same manner as the Calcutta Improvement Trust has worked.

Mr. W. L. TRAVERS: Mr. President, Sir, the British non-official group approve of the withdrawal of the Bill. To begin with, we are strongly against a Central Board of the nature proposed in this Bill. The Board would be almost irremovable and we cannot see the use of having a Minister of Education, who draws we believe quite a considerable salary, and then putting him in a position subordinate to that of the Central Board.

We are on the other hand in favour of an advisory body which should in our opinion consist of experts and men who have devoted a great deal of their lives to education. Another objection to the Central Board is that it would have power over the District Board. In my opinion, the latter body is far more suitable to be entrusted with power. The District Board should have and would have knowledge of local conditions which would be most useful in regard to the question of compulsion. That knowledge might be overruled by a ruling from the Central Board, upon which the District Board will perhaps not be represented at all.

We hope that the new Bill may be introduced as soon as possible and passed clause by clause upon the floor of this House. We are of the opinion that if the present Bill is retained, there is so much in it to be jettisoned that it will be a waste of time of members of this House to consider it.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to oppose the motion for withdrawal. Some of the grounds against withdrawl have already been covered by my hon'ble friend, Dr. Sen Gupta. One point which I want to emphasize is as regards the reason which has been urged for the withdrawal of the Bill, viz., that Government will not have sufficient control over the bodies which are to be created.

Sir, we cannot overlook the fact that the proposed Government contribution under this Bill is very small. Even in the first Bill,

which was introduced by Nawab Musharruf Hossain in 1927, the Select Committee recommended that Government should at least spend Rs. 75 lakhs annually towards the cost of the whole scheme which involved an expenditure of something like two crores and forty lakhs of rupees. Apparently that modest recommendation for a Government contribution of Rs. 75 lakhs annually has not been accepted by Government, as would appear from the Bill under discussion. From the Statement of Objects and Reasons all the assurance that we get from Government is that the cost of the inspecting staff and of the training of teachers will be borne by Government. This altogether comes to something like Rs. 5 lakhs annually. We have the further assurance that the present grant of Rs. 27 lakhs per annum will be continued. Thus, the total Government contribution comes to about Rs. 32 lakhs out of a total estimated expenditure of Rs. 2 crores and 40 lakhs.

If, Sir, the name of the immortal Gokhale has been invoked in this Council, it is because we are reminded that this great son of India lived, fought and died for the introduction of primary education in this country. It is 16 years that he has left us, but he has left a glorious legacy for us, viz., the introduction of primary education in this country, upon which alone can be based the economic, social and the political progress of the land. According to the Bill which Gokhale introduced, Government were to have borne two-thirds of the cost, and the local bodies one-third. The Government of the day dissented from this proposal and they proposed to wait for the time when they would be in a position to meet this expenditure. If I remember aright, the Government of Bengal, along with the other provincial Governments, were asked to give their views on the matter, and this Government consented to carry out the proposals when funds would be forthcoming. Sir, We are very anxious to see that primary education should be made both free and compulsory. Our anxiety is being now exploited and the people are asked to contribute one crore and thirty-three lakhs of rupees instead of one-third of the total cost, as proposed in Gokhale's Bill.

Sir, considering the smallness of Government contribution, they cannot claim to have complete control over the educational machinery, as was proposed in the original Bill. When that Bill went to the Select Committee, there was this question of cost; and the proportion which each party was to bear was also considered. In fact, all the aspects of the question were considered by the Select Committee. I think, Sir, it does not lie in the mouth of the Hon'ble Minister to say that the Select Committee which was constituted represented only a particular section or particular interest of this House. Considering the number of members constituting the Select Committee it must be said that it was a very representative body. As a matter of fact, the Select Committee was very anxious to bring all its talents to bear on the solution of this

question. This is also apparent from the fact that for the first time the intention to make primary education free and compulsory within a definite time was embodied in the Bill. The original proposal was very vague and indefinite, and according to that it might take centuries to fulfil the aim of having primary education free and compulsory.

Then, Sir, there is another point, which we all should consider seriously. However representative the Government may be—and we do say that Government at present is not at all representative—even when the Government is most representative—should it be the principle that once a Bill is introduced—in this particular case two Bills were introduced in succession—if the Government do not agree with the recommendations of the Select Committee, the Bill should be dropped or allowed to lapse, so that another Bill may be introduced, a new Select Committee formed and the question discussed over again? Should the Government, when they do not see eye to eye with the Select Committee, bring forward a fresh Bill and fish for the chance of securing a docile Select Committee which would follow in the wake of Government members? By such a course on the part of Government the House might be tired into submitting to any proposals which are palatable to Government but which are against the real interests of the country. I submit, Sir, this is a principle which should not be allowed to operate within this House. It is on this principle also that we should oppose the withdrawal of the Bill. The Bill is there; the Select Committee's report is there. Let the Bill be placed before the House for consideration clause by clause. If the Hon'ble Minister-in-charge can convince this House by his reasonings that his views are sound, then we shall have no hesitation in accepting them.

Then, Sir, certain other aspects have been dealt with by the previous speaker, and one of them was with regard to the constitution of the Central Board. We find that not only the constitution of the Central Board but that of the District School Board has also been changed. So far as the District School Board is concerned, I consider that it has been changed for the better, because we find that under the Select Committee's proposal more representative people will find seats on the District School Board. With regard to the central body also we find that the Select Committee has proposed that both the universities should be represented on it—a proposal which was not in the original Bill and which is a very sound one.

Sir, I do not want to enter into any detailed examination of the other proposals of the Select Committee. It cannot be said that the Select Committee did not consider the question of having such men as can deal with educational problems properly on the Central Board. So, I submit the report of the Select Committee cannot be thrown away lightly.

Then, Sir, another point has been mentioned, viz., that there have been as many as twenty-one dissentient notes in the Select Committee's report, but reading between the lines I find that only six members dissented on the question of control. The other notes of dissent were regarding details as to the apportionment of cost. So, it cannot be said that as regards the main principle of control there was very much difference of opinion. Only the six Government members were against the introduction of an element of popular control in the new educational machinery. I submit that this House, should, instead of taking the chance of having another Bill introduced, which may or may not be passed, insist on the existing Bill being discussed clause by clause and come to a decision. That is the only way by which we can expedite the introduction of primary education. Gokhale's scheme was to have primary education made free and compulsory within 20 years, and if his Bill had been passed into law at that time, we would have free and compulsory primary education in the country by this time.

4 p.m.

To-day there is no time to be lost in consideration of the fact that we are now crying for universal adult franchise, and it is within the range of practical politics that we shall get it. Therefore, it is imperative for us to make primary education free and compulsory so as to forestall these reforms. For these reasons, I oppose the withdrawal of the Bill.

Babu JITENDRALAL BANNERJEE: Sir, I have come reluctantly to the conclusion that I must oppose this motion for withdrawal of the Bill. It seems that, in this matter of universal primary education, Government has treated the Legislative Council in a most off-hand and cavalier manner. It is prepared lightheartedly to throw over the labours of two Select Committees. These committees, both of them, were so large and representative that they might well be regarded as miniature Legislative Councils: and yet Government is prepared to throw their labours overboard without taking into confidence the members of this Council as regards the measures it proposes to adopt. For the enlightenment of the new members of the House I shall very briefly recapitulate the history of the Bill. The Bill was first introduced on the 9th August, 1928, and after a sharp discussion lasting for two days it was entrusted to a Select Committee consisting of 32 members. This Select Committee sat over the Bill for nearly three months and presented a well-considered report. No doubt the report was burdened with any number of notes of dissent—I believe there were 19 minutes of dissent in all—but the report was a valuable one all the same. And if the Bill could have been presented to the Council with the changes made by the Select Committee, I can almost guarantee that

it would have received the consent of the whole House. But an unwanted general election intervened and the Bill lapsed in consequence with the result that a new Bill was introduced on the 5th of August last. The Hon'ble Minister is incorrect in saying that the second Bill was based upon the report of the Select Committee on the first Bill. In one important respect it differed materially from the report of the first Select Committee. The first Select Committee had suggested that the proportion of cess should be 3 : 2—3 to be paid by the tenants and 2 by the landlords. But Government, in the excess of its generosity for the landlord, altered this important provision; it changed the ratio from 3 : 2 to 4 : 1; otherwise there would have been no necessity for a second Select Committee. An offer was made to Government on behalf of the majority groups of the House that, if the Government could see its way to change the proportion of the cess, there would be no necessity for a second Select Committee, and the Bill could be taken into consideration forthwith. But the Government, obstinate in folly and proof against experience, stuck to its proposal and thus ship-wrecked its own measure. The Bill was again referred to a Select Committee consisting this time of no less than 45 members, and to-day we have the report of that committee formally presented to us. Sir, I am free to confess that the Bill as altered by the Select Committee is altogether a bad Bill and some of its provisions are utterly and absolutely objectionable. And here I am sorry to say that I am in total disagreement with what has been said by my friends Dr. Naresh Chandra Sen-Gupta and Babu Satish Chandra Ray Chowdhury. The administrative machinery provided by the second Select Committee is in no sense a democratic body. Simply because you eliminate Government control, it does not follow that you substitute popular control. The Central Committee proposed by the second Select Committee, the Primary Education Board as it is called, is an absolutely undemocratic body. You propose by your measure to hand over two crores of rupees and the entire control of primary education in Bengal to a body of 26 persons, who, once elected, are responsible to nobody, neither to Government, nor to the Legislative Council, nor to the people. Once elected, they become an autochthonous body, possessing considerable powers of mischief, and with no reserve of power in the Government to check or supervise their mischievous tendencies. The members who were responsible for the introduction of this feature in the Bill evidently cherished the principle that the districts are to pay and Calcutta to control. That is a principle from which I most emphatically disagree. The principle by which I am prepared to stand or fall is that in Primary Education the control must be, above everything else, in the District Education Boards. This principle has been given the go-by by the second Select Committee, and in the place of the District Education Boards they have set up a Central Board of their own constituted very

much after the pattern of the Syndicate of the Calcutta University, a body the constitution of which is nothing to be praised or admired. In the case of the Syndicate of the Calcutta University there is one safeguard—it is responsible to the Senate. But in the case of the Central Primary Education Board there is no responsibility anywhere. So far as this feature of the Bill is concerned, I totally differ from the report of the Select Committee, and I agree with the original proposals of the Government.

But the administrative machinery is not the only feature of the Bill: there is the question of finance as well. So far as finance is concerned, the Select Committee suggested that the proportion of the education cess should be 2: 2, 2 to be paid by the landlord and 2 by the tenant. That, Sir, is an improvement on the original Bill for which I am prepared to be grateful: but it is this, the most valuable feature of the report, which proves to be most obnoxious to the Government who have apparently more love for the landlords than landlords themselves. The first Select Committee proposed a ratio of 3: 2; but Government reverted to the original proposal of 4: 1. The second Select Committee proposed 2: 2; but Government once again have meddled with the proportion and suggest an unsatisfactory compromise of 3½: 1½. Sir, one cannot understand the reason for all this tinkering and pottering. Why this perpetual suspicion of the Select Committees of the Legislative Council? Why cannot the Hon'ble Minister make up his mind and accept one valuable suggestion of the Select Committee? But the Minister probably thinks that it would result in the loss of Governmental prestige. If he does so, he is mistaken. And here I must further say that in his speech to-day the Hon'ble Minister has failed to show any adequate grasp of the fundamental principles which must be incorporated in any satisfactory Bill for the spread of primary education. He ought to have known that there are four features upon which the Legislative Council is very keen. The first is that we want a statutory guarantee that Government should contribute one-third or one-fourth of the total expenditure incurred on account of primary education. That statutory guarantee we have not got; we did not even get a promise about it from the Hon'ble Minister. We want in the second place a declaration that primary education must be made free and compulsory within a limited period of time. That declaration too we have not got, nor even the remotest promise of any such declaration. Thirdly, there is the principle to which I was referring only lately, viz., that the control of primary education, as far as possible and subject to a needful minimum of supervision by the local Government, should be, not in the hands of a self-elected Central Education Board, but in the hands of the District Education Boards. Lastly, we want that the proportion of the education cess should be so adjusted as not to add to the burden of the poor tenantry of Bengal. These are

the four features by which, I am sure, a large majority of the members of this House would stand if the Hon'ble Minister could have assured us that these principles would be embodied in the Bill which he wanted to bring. But his proceedings throughout the matter have been altogether wrong and on wrong lines. He has never cared to take the whole House into his confidence. He has invited groups of members to private dinners or lunches and has discussed certain features of the Bill with them. But the House itself has never been taken into confidence by him nor has he given us any assurance that he would observe the principles I have mentioned. Consequently, there is no other alternative but to object and object strongly to the motion that he has made.

Dr. NARESH CHANDRA SEN-GUPTA: On a point of personal explanation, Sir, I never said that I agree with the constitution of the Board. I only said that I agree with the principle of a Board.

Maulvi TAMIZUDDIN KHAN: Sir, I wish to say a few words in opposing the motion for withdrawal of the report of the Select Committee by the Hon'ble Minister. Sir, it has been said that the Bill, as amended by the Select Committee, is not acceptable to Government, and that there are provisions which the Government can under no circumstances agree to. I feel the position of Government; it is very difficult for Government to accept many of the provisions. But the question is whether there is anything in the report of the Select Committee which necessitates the withdrawal of the Bill. Cannot the Bill be improved on the floor of this House by means of amendments proposed by Government? So far as we are concerned we can give an assurance that we shall go as far as possible with the Government by way of removing those objectionable features. Many of the members of the House have referred to a conference which was held some time ago in which this Bill was discussed and considered. I may say, Sir, that the Government has not been pleased even to respect the wishes of that conference. As everybody knows, the ratio recommended by the conference was 3 pice for the landlords and 2 pice for the tenants. Now, we are told by the Hon'ble Minister that in the new Bill proposed to be introduced the ratio will be 3½ pice for the tenants and 1½ pice for the landlords. As belonging to the Praja Party and representing people, who are mostly tenants, we cannot abandon a Bill which provides 2 pice for the tenants in favour of one which will provide 3½ pice for the tenants. If we do so, we shall be answerable to our constituencies and we shall not be able to give a satisfactory answer to them. It has also been explained by several members of this House that they will also be agreeable to make the Bill acceptable to Government as far as practicable. Even with this assurance if Government persists in its attitude for withdrawing the Bill, one may be

excused if, one entertains a suspicion that Government is not really willing to go on with the proposal for introducing free primary education in this province. I hope that, if this motion is lost, Government will not take steps which will be construed by the people as jeopardising the cause of primary education. If the motion is carried, well and good. If lost, I hope Government will think twice before it chooses to drop the Bill altogether.

4-15 p.m.

Mr. B. C. CHATTERJEE: Sir, it has struck me, as I was listening to the Hon'ble Minister, that the grounds on which he suggested withdrawal of this Bill, as amended by the Select Committee, are absolutely irrelevant. His point, as far as one could gather from the language in which he condemned the work of the Select Committee, is that because what the Select Committee has done has not the official approval—approval of those officials who have appended various notes of dissent to the report of the Select Committee, therefore, this Bill, as amended by the Select Committee, should go. The Hon'ble Minister has not given us a single argument which, as several gentlemen have pointed out, is outside the arguments used against this Bill by the various Government Members; but I submit, Sir, it is going against the fundamental principles of the Reforms Act itself. If anybody is to tell us in this House that such and such a thing should not be done in the transferred departments because Government officials do not approve of such and such things, then, I would say, Sir, it is ridiculous that anybody should tell us, the representatives of Bengal sent to this place, that in these transferred departments where Parliamentary practice has been initiated by the Government of India Act, any consideration is to weigh at all in favour of such proposed withdrawal of a Bill on the mere ground that certain members of the Indian Civil Service have not approved of it. It has nothing to do with it. If it were a department concerned with the maintenance of law and order, or a department concerned with the administration of jails and so forth—departments in which we have not been given the right of control over proceedings on the ground that we, being new to democracy, should not be given the right of control therein, and that we should be given the right of control only in such departments where mistakes made by us would not lead to irretrievable disaster, whereas mistakes made by us in those other departments would lead to such disasters, I could understand that. That was the whole reason why diarchy was introduced in order to initiate people into democracy; the first thing necessary was to give them absolutely real Parliamentary control over the management of those subjects where they might have the privilege of making mistakes——

Mr. PRESIDENT: Order, order. Before I allow Mr. Chatterjee to labour that point any further I should like him to say as to who said that the Bill has got to be withdrawn because a few members of the Civil Service have taken exception to it?

Mr. B. C. CHATTERJEE: I found it in the utterance of the Hon'ble Minister to-day. (Cries of "No. No".) I have heard him say so.

Sir, all the reasons that the Hon'ble Minister has given us to-day are reasons which are to be found in the various notes of dissent which are appended to the Select Committee's report by the various officials. (Here, here.) He has merely given us a reproduction of those objections in his own language—and sometimes baldly in his own language. Therefore, it is an open fact—an open secret—that the Hon'ble Minister, who is new to the work, has had no part in the framing either of the Bill or of the report of the Select Committee.

Mr. PRESIDENT: Mr. Chatterjee, may I ask you not to labour that point any further because I did not hear the Hon'ble Minister to say anything which may lead one to appropriately raise the question as to whether officials have or have not interfered in the way you are suggesting they have done.

Mr. B. C. CHATTERJEE: I am afraid my point is that the only question before us is this: here is a Bill connected with the transferred department which is under our control. That Bill has been subjected to scrutiny by a number of men appointed by this House as members of the Select Committee. They have reported on it and we are now to go into it, clause by clause and see which clause is right and which clause is wrong. How could the Hon'ble Minister ask in all seriousness for leave to withdraw the Bill————

Mr. PRESIDENT: Order, order. May I point out that the rules provide that the member-in-charge of a Bill, no matter whether he happens to be an official or a non-official, can withdraw it at any stage. It may be that the Hon'ble Minister is exercising that right in this particular case. You had better not insinuate that he is doing so because his judgment is influenced by a few members of the Indian Civil Service. The Hon'ble Minister can rightly protest against your assertion that he said so. He never did.

Mr. B. C. CHATTERJEE: I am aware, Sir, of that and I thank you that for reminding us he never said so. But the fact is that when one finds that the principal reasons given by the Hon'ble Minister absolutely coincide with the reasons given by the officials who have appended their notes of dissent to the report of the Select Committee,

may one not be allowed to infer that he derived his illumination for the reasons with which he has introduced his motion to-day from the report of the various dissentient members of the Service?

Mr. PRESIDENT: I would advise you not to labour that point. You may rest assured that if I find that any attempt is being made to infringe the rights of this House, I shall be the first person to defend and protect those rights. (Hear, hear.)

Mr. B. C. CHATTERJEE: I am thankful to you, Sir, for the assurance that you have given us. My point before the House is that a Bill has been sent to the Select Committee and the Select Committee has made its report. What is the only next step that is possible for us to take? The only next step for us to take is to take the Bill into consideration and see how much of it we approve of and how much we disapprove of and then hammer the Bill into law, clause by clause. I submit, therefore, that no other consideration can possibly arise to influence us in respect of our judgment in regard to the report of the Select Committee. It was time that we, the people, were given some chance of even making some mistakes. We do not claim all the quintessence of wisdom, and we, who are inexperienced in democracy, may make mistakes, very probably we shall make mistakes, but we want to make mistakes because we can only learn by making mistakes. If somebody were to tell us: "You leave your conscience to our guidance, we shall do what we think proper," we shall emphatically protest against that attitude. I may also tell them that the history of education that we have had so long from official sources does incline us to view with favour the initiation of a new educational policy, which shall not come from official sources but should be left to popular initiation and popular direction. We know that, for a number of years, we had been educated by officials and what was the education we were given? We were taught English very badly and we wrote English very badly, and in the meantime we managed to forget our own language. And then the people who taught us to write and speak English very badly turned round and said: "You cannot speak good English and you write ridiculous English." That in effect sums up the education we have had from official sources. If we look to the history of modern Bengal we see that it was not until education was freed from official control that we Bengalis were capable of undertaking work of an original character and significance, of a different outlook and orientation, which drew the attention of the whole world to the fact that we were doing something. It is for that reason that education has got to be free, to a great extent, from official control. That being the history of our education in Bengal, may I not ask this House to insist on the point that the education that it is going to provide for

its own people, namely, primary education, shall be the work of this House and not the work of anybody of official experts who may or may not like it?

Rev. B. A. NAG: Sir, after the confession of Mr. Chatterjee that they shall make mistakes, I do not want to refer to his mistakes at all. I believe the Hon'ble Minister has done very well by proposing to withdraw this Bill and he has done so not on the strength of the notes of dissent by the officials but if Mr. Chatterjee and others had looked through the notes of dissent offered by non-official members, they would have been convinced that nobody wanted to have any credit for this Bill. One member says: "I do not approve of the constitution and function of the Primary Education Board of Bengal as constituted by the Select Committee." Another member says: "I sign the report subject to the reservation that I do not recommend that the Bill as amended be passed by the Council"; and so on and so forth. The leader of the Praja Party says: "We are in general agreement with the trend of amendments proposed by the Select Committee, but we feel that there are important questions of principle involved in the proposed constitution of the Primary Education Board and the District Council of Primary Education which do not commend themselves to us." Then, one of the leaders of the People's Party says: "I regret that I am again unable to agree with some of the main principles on which the proposed legislation is based."

I would not have thought very much of any one who would have supported the Bill on the face of such opposition from the members of the Council. The Select Committee deserved the treatment that it has got from the members, for everybody knows that when that Select Committee was constituted, it was a one-sided committee constituted, leaving out many important representatives, the minorities were altogether ignored, except the Muhammadan minority all other minorities were absolutely ignored. I do not know, Sir, what the purpose was, but whatever may have been the purpose it has been frustrated by the honest members of the Select Committee who did not accept the principles of the Bill as amended by the Select Committee. I therefore————

Dr. NARESH CHUNDER SEN GUPTA: I rise, Sir, on a point of order. Is the speaker in order in insinuating that the other members of the Select Committee were dishonest?

Mr. PRESIDENT: I do not think that there was any such insinuation.

The Rev. B. A. NAG: I therefore fully support the Hon'ble Minister's proposal to withdraw the Bill, and that would serve another purpose. Though this is an official note, Mr. Dash says: "I do not accept the decision of the Select Committee that the Bill has not been so altered as to require republication." Everybody admits that the Bill has been terribly altered by the Select Committee and everybody would, therefore, wish that it were published for eliciting public opinion on the Bill as amended by the Select Committee. As it has not been accepted the best thing that can be done to the Bill is to bury it and present a new Bill. The Hon'ble Minister has promised to present his Bill at the next session. He could not do it earlier and we lose nothing by waiting till then. I hope, therefore, that we shall accept the Hon'ble Minister's proposal.

(At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.)

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the question be now put.

Mr. PRESIDENT (addressing Munindra Deb Rai Mahasai): You are in possession of the House.

MUNINDRA DEB RAI MAHASAI: I do not want to speak.

On the closure question being put, a division was taken with the following result:—

AYES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Aimuzzaman.
Choudhury, Maulvi Nural Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Lal Muhammed, Haji.
Maiti, Mr. R.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukharji, Rai Bahadur Satish Chandra.
Poddar, Seth Hunuman Prasad.
Raheem, Mr. A.
Rai Mahasai, Munindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hoseni.
Ray, Babu Haribansa.
Roy, Babu Satyendra Nath.
Ray, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarcar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Barma, Rai Sahib Panchanan.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Gain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Insch, Mr. J.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Rose, Mr. G. F.
Rushforth, Mr. F. V.
Sarkar, Sir Jadunath.
Sen, Mr. J. M.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. N.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 46 and the Noes 53, the motion was lost.

The Hon'ble the President then called upon the Hon'ble Mr. Khwaja Nazimuddin to speak.

Mr. P. N. GUHA: Does that mean that we shall not be allowed to speak hereafter.

Mr. PRESIDENT: Is the Hon'ble Mr. Khwaja Nazimuddin going to speak by way of reply? Has he any objection to Mr. P. N. Guha speaking now?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Mr. P. N. GUHA: Sir, I have had the privilege of serving on both the Select Committees of this Bill and I am constrained to think that the majority of the members of this House are beating about the bush with regard to this particular measure. The real fact is that many of them are not willing to see this Bill through the House just now, but for obvious reasons they are not speaking out their mind. I am not ashamed to confess that I do not want the Bill to be passed into law at the present moment. The Meston Award is bound to go along with the new constitution that will be ushered into existence in a couple of years' time and I hope that our financial condition will then be improved greatly. In that case we may

not have to tax ourselves to the extent as indicated in the present Bill. This, Sir, is the reason why I have, from the very beginning, opposed the introduction of the measure in haste. If the primary education could have waited for 200 years of the British Rule, there is no reason why it cannot wait a couple of years more.

Sir, a careful student of Bengal politics can have no doubt that the different groups in this Council have been moving with different motives in connection with the Rural Primary Education Bill. The representatives of the raiyats have been thinking of securing the advantages of the free primary education by paying as little as possible and the zamindars on their part have been trying to avoid the burden of taxation as much as possible. The real difficulty, so far as I can see, will be with the middle class people of Bengal who are neither zamindars nor raiyats in the true sense of the word. Most of these people are tenure-holders under the zamindars and they are the people who realize rents directly from the raiyats or the cultivators of the soil. The zamindars will have no difficulty in realizing the amount from the tenure-holders under them, but the task of the talukdars and patnidars to realise the tax from the raiyats will be a hard one. The middle class will therefore suffer most and as one of them I have been opposing the Bill from the very beginning.

Turning to the Bill itself, I hope my friend Mr. Jitendralal Bannerjee will bear me out when I assert that the idea of the Central Committee was mine. I have always maintained and I do so even now that the people of the province should have a definite voice in deciding the nature of education which their children should have and that was the reason why I advocated the establishment of a non-official Central Committee. My intention had always been to give some powers to the Central Committee, but it was at the instance of my friend, Mr. Bannerjee, that the first Select Committee made it an advisory one. The second Select Committee made a drastic change. This I did not like, as will be apparent from the note of dissent that I wrote. I was in favour of a Committee, but I opposed its constitution as carried in the second Select Committee. The idea of keeping the Minister in charge of the portfolio of Education, who by the way is our representative in the Government, absolutely out of the whole show was repugnant to my feelings, but I was defeated in the Committee. I wanted to have a small committee with the Minister as its President.

Sir, in the Select Committee I was indeed pained to find that the majority of the members were inclined to exact as much power as possible from the Government as if it was a fight between the Government on one side and the people who will never have anything to do with the Government on the other. I have clearly mentioned in my note of dissent that it was a short-sighted policy. At the present

moment education is indirectly controlled by us, but I have not the slightest hesitation in asserting that in a couple of years' time the entire policy of education will be controlled by the representatives of the people. The present Bill, as has been rightly observed by Mr. Jitendralal Bannerjee, is a bad one and I have my doubts as to the possibility of improving it by discussing it on the floor of the House. There are so many complications, so many novel features in the Bill, that its character has been changed completely, and I feel that it is impossible for the Government to run it.

Sir, I do not believe that the present Bill can be so changed as to make it useful for the country and I think that the Government has been well advised in deciding to withdraw it. We the members of the Select Committee took exception to the very title of the Bill. There is not a word about compulsion anywhere and the Bill cannot operate in the urban areas. These are defects which should be removed. Sir, the Hon'ble Minister has promised to bring in a Bill at the next session of the Council provided the present one is allowed to be withdrawn. I am quite prepared to support the motion of withdrawal, but I will do so with a request to the Minister not to be in haste. Let him wait till 1932. Bengal will not be uprooted and thrown into the waters of the bay if the Primary Education Bill waits for a couple of years more. Let us see where we stand. Let us see if we can manage affairs without taxing the people so heavily.

Mr. C. R. DAIN: We have here for the first time the extraordinary spectacle of Mr. J. L. Bannerjee agreeing with the Government that the Bill was bad. With such agreement of opinion I think that the Bill must be bad. When an irresistible force meets the immoveable mass on the common ground of the Bill as amended by the Select Committee, I submit that it has been destroyed and shattered to bits. The Hon'ble Minister has told us that the quickest way to get some form of primary education is to withdraw the Bill as amended by the Select Committee. I submit that this question of introducing primary education among the poor of Bengal is of vast importance. From the other side of the House we have on several occasions heard demands for it on behalf of the teeming millions of Bengal. I am speaking from my personal experience on the East Indian Railway and can say that we were faced with the fact that it is impossible to promote men from the lower classes because they lacked any form of education. I will just take one example—the case of the engine drivers. They start as cleaners, being wholly illiterate and it is found, by the time they are fit to be drivers, impossible to promote them because they are illiterate. Then we created small vernacular schools to teach them just enough to read the timings. Many of them become very good drivers, but here again we have to face the fact

that they lack the amount of primary education and this reacts against them in their appointments as assistant foremen. I believe that the great difficulty felt in building up the foreman class in this country is due to the fact that the people are lacking in primary education. Many a good hand in the job thoroughly lack education and cannot thus prove their usefulness and eventually become successful foremen. I hold that the foreman class forms the backbone of any industry. At Home in any large industry of any sort it is this foreman class which is the real steel frame-work of the machine, just as a non-commissioned officer is the backbone of a regiment. I appeal to the House to sink all differences in one endeavour to make some sort of start for primary education with the utmost despatch possible. I have already said that the Hon'ble Minister has assured us that the quickest way of doing that is to withdraw this Bill and I think permission to do so should not be refused.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am very glad to find that Dr. Haridhan Dutt is anxious that a Primary Education Bill should be enacted into law as soon as possible. He also agrees with me that the report of the Select Committee is not satisfactory and he complains that no assurance has been given by me as regards the time when I would introduce another Bill. I would like to make it quite clear to the House that as soon as permission is given me to withdraw this Bill another Bill will be published in the *Calcutta Gazette* under section 47 of the Legislative Council Manual within the next week or the week after. So the question as to a probable date of introduction of a Bill may be left out of consideration, because, according to section 47, publication in the Gazette has practically the same effect as introduction into the Council, so far as Government Bills are concerned.

Dr. N. C. Sen Gupta has based his whole argument in the supposition that the Board will be something quite different from the Board that has been recommended by the Select Committee. It is quite possible that if we could get a Board like the Board of Education in England the powers that are proposed to be given to the Board in the Bill may be acceptable to Government, but as things stand at present, it is inconceivable that we can have any board which will receive the approval of Dr. N. C. Sen Gupta, viz., a board composed of educational experts and men prepared to devote their whole time to the advancement of primary education. It is not practical politics; it may be theoretically so, but practically it is very difficult, owing to the various interests that have got to be safeguarded, it is almost impossible to have a board like the one desired by Dr. N. C. Sen Gupta. Therefore his arguments in favour of the report of the Select Committee, I believe, fall to the ground.

Mr. Satish Chandra Ray Chowdhury has laid great stress upon the point that a sum of Rs. 75 lakhs should be contributed by Government, and that until that is done Primary Education Bill should not be introduced. Sir, it is an admitted fact, a fact well known to everybody———

Mr. SATISH CHANDRA RAY CHOWDHURY: I rise on a point of personal explanation. I did not exactly say that Rs. 75 lakhs should be contributed by Government and that until that was done, no Primary Education Bill should be introduced. What I wanted to emphasise is that Government is not paying the piper to the extent they are expected to pay. Even Mr. Gokhale expected Government to do———

Mr. PRESIDENT: That will do, Mr. Ray Chowdhury.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, the gist of what Mr. Ray Chowdhury said is that Government should make some contribution, otherwise they are not entitled to any control over primary education. It is an admitted fact that Government at the present moment cannot spare more than what they are contributing to primary education. If it is contended that until Government is in a position to contribute more, no Bill should be brought forward, then I say that primary education will have to wait a very long time indeed. On the other hand the control of primary education, he says, should not be in the hands of Government because Government is not contributing anything. I claim that the contribution is by the public and the legislature is the representative of the public and it is the only body which is entitled to control primary education and it can only do so by means of the Minister of Education and the Department of Education. Any other statutory body composed of men elected from district boards or District School Boards will not represent the public, and the only way to grant representation to those who pay an education cess will be by means of members of the Legislative Council who are the accredited representatives of the public.

I now come to Mr. J. L. Bannerjee. I find that the position he has taken up is full of contradictions. He is very much in favour of a Primary Education Bill. He wants it to be introduced and to be enacted into law as soon as possible. This is as it should be, because he represents the *prajas* in the Council who will chiefly be benefited by the Bill. But he said that there are four conditions precedent before he will support a Bill. First, he wants a guarantee that at least one-third or one-fourth of the total amount will be contributed by Government. I have already pointed out to the Council that it is asking for the impossible and that at the present moment

the Government of Bengal cannot contribute anything like one-third or one-fourth. This condition of his tantamounts to saying that he does not want a Bill to be introduced now but wants it to be delayed. His second condition is that there should be free compulsory primary education within a reasonable time. Under the scheme we have submitted in the Bill—if things go according to plan—in 7 years' time, as far as boys are concerned, there will be free compulsory primary education throughout the province of Bengal. His third condition is that District School Boards should have control over primary education. In the Bill we are going to publish we have placed as far as possible control in the hands of the District School Boards, subject to the approval of Government, and I think the provision should meet with his approval. Then he says that the cess should be so adjusted as not to be a burden on the people of Bengal, and he has also taken strong exception to the fact that the contribution of the tenants instead of being 2 is going to be 3½. Now, Sir, I ask him a plain question—whether on behalf of tenants he is prepared to throw a Bill overboard simply because the tenants are being asked to pay a pice and a half more. I say, Sir, that the Bill is of vital importance to the people of Bengal. It touches not only the tenants of Bengal or the *prajas* of Bengal but it touches the people of the whole of Bengal and the question is of so vitally importance that one pice this way and half pice the other way should make no difference.

Dr. Haridhan Dutt said that the people of India are asking for primary education for more than 25 years. If that is so, it is high time that their demand should be given effect to, and when an opportunity is given to do so, technical objections should not be raised to prevent a Bill from being passed.

5-15 p.m.

Sir, I will now refer to the speech of Mr. B. C. Chatterjee. I do not think that as far as his speech in the Council to-day is concerned, we should take him seriously. He was bold enough to say that he should be allowed to make mistakes with a crore and forty lakhs of rupees.

Sir, some members have said that the Bill should be allowed to be amended by means of amendments, and that they are prepared to support Government on those amendments. One cannot go through this Bill without realising that it is impossible to change it by means of amendments moved in this House. Theoretically, it may be so; but practically, when we will tackle the problem, it will be found to be very difficult. And I am afraid that in the end when we have completed our labours we shall find that the Bill has been so changed

that it will not be acceptable to the House, and so we will have to drop the Bill altogether. I, therefore, feel that the quickest, easiest, and simplest method of enacting this Bill into law is to give permission to withdraw it and allow Government to introduce another Bill which can be taken up in the July session, considered clause by clause immediately and enacted into law during the session. I submit that this is the easiest, simplest and quickest method of dealing with this question, and I hope that members of this House will agree to the withdrawal of the Bill. (Cheers.)

The motion that the Bengal (Rural) Primary Education Bill, 1929, as reported by the Select Committee, be withdrawn was then put and a division taken with the following result:—

AYES.

Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Parequl, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sueil Kumar.
Ghosh, Mr. M. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hogg, Mr. G. P.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Imesh, Mr. J.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Rose, Mr. C. F.
Ray, Babu Jitendra Nath.
Rushforth, Mr. F. V.
Sarkar, Sir Jadunath.
Sen, Mr. J. M.
Stapleton, Mr. N. E.
Suhrawardy, Mr. H. S.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

NOES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Altimuzzaman.
Choudhury, Maulvi Nurai Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Haque, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Maiti, Mr. R.
McCluskie, Mr. E. T.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukharji, Rai Bahadur Satish Chandra.

Mukhopadhyay, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prasad.
Rahman, Mr. A.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray Chaudhury, Babu Satish Chandra.
Raut, Babu Hosani.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. Satteswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarkar, Dr. Sir Nilratan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

The Ayes being 51 and the Noes 48, the motion was carried.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 1st April, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 1st April, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

Starred questions

(to which oral answers were given).

Inundation of the area within the old police-station Farakka, Murshidabad.

*126. **Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that a large tract of land, comprising almost the whole of the area lying within the jurisdiction of the old police-station Farakka, Murshidabad, is liable to heavy inundation every year owing to the overflow of the hilly rivers that pass through the said area and that such inundation causes irreparable damage to the paddy crops of the poor tenants?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government contemplate taking to prevent the recurrence of such floods?

(*c*) Are the Government considering the desirability of calling for a report on the subject from the district authority of Murshidabad?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the said report when received?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Yes.

(*b*) and (*c*) A preliminary inquiry was made a short time ago and an estimate has been sanctioned for a more detailed investigation.

(*d*) Yes.

Scarcity of money prevailing in Eastern Mymensingh.

*127. **Babu SATISH CHANDRA RAY CHOWDHURY:** Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) of the widespread character of the scarcity of money and food prevailing in Eastern Mymensingh comprising Sadar, Kishoreganj and Netrakona subdivisions owing to the failure of the last jute crop generally and of the *aman* crop in particular areas; and

(*ii*) of the fact that the agriculturist population are on the verge of starvation as they cannot get any loan of money from the local banks, loan offices and private money-lenders whose funds have been completely depleted?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) Scarcity is reported in three and part of a fourth thana in Kishoreganj subdivision. There is no widespread scarcity in Netrakona and slight distress only in Sadar.

(*ii*) In Kishoreganj agricultural loans amounting to Rs. 26,000 have been sanctioned while the district board has allotted Rs. 8,000 for earthwork and excavation work in this area. The mustard crop in Netrakona was good and Rs. 12,000 has been distributed as loans in this subdivision.

Staff-quarters of the Government Railway Police at Katihar Junction.

*128. **Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that the staff-quarters of the Government Railway Police at Katihar Junction are uninhabitable?

(*b*) Will the Hon'ble Member be pleased to state whether the condition of the staff-quarters at Katihar was brought to the notice of the Government by the officer of the Government Railway Police from time to time since the year 1911?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state why no action was taken in the matter?

(*d*) Will the Hon'ble Member be pleased to lay on the table copies of the inspection report of the different Railway officers (Superintendents of Railway Police and Deputy Inspectors-General) from the year 1911 up till now with regard to the Government Railway Police staff-quarters at Katihar?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) The staff-quarters are unsuitable but not uninhabitable.

(*b*) and (*c*) No. A proposal for improvements to the buildings was, however, submitted to the Inspector-General of Police in 1924. The delay in putting it up to Government was due partly to the time taken in revision of type plans of police buildings and partly to the knowledge that funds would not be available. The matter is at present under correspondence with the Agent, Eastern Bengal Railway.

(*d*) Extracts from relevant inspection notes as far as available now are laid on the Library table.

Improvement of the general communications in the subdivision of Tangail in the Mymensingh district.

*129. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what steps, if any, are being taken to improve the general communications, both by land and water, in the subdivision of Tangail in the district of Mymensingh?

(*b*) Is the Hon'ble Member aware—

(*i*) that the ferry steamer service between Charabari and Serajganj Ghat was discontinued after the rainy season on account of the shallowness of the water courses between those two places; and

(*ii*) that the people of Tangail have been inconvenienced in going to the other side of the Jumna river?

(*c*) Is the Hon'ble Member aware that for the reason referred to in (*b*) (*i*), the ferry steamer service between Charabari and Dacca has also been stopped?

(*d*) Are the Government considering the desirability of excavating the water courses of the places referred to to make them navigable for steamer services throughout the year?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) The Irrigation Department is not concerned with land communications. As regards water communications, the conservancy of the Dhalleswari between Parabari and Dacca, viâ Elashin, has been placed on a more satisfactory basis by handing over the bandalling to the steamer companies.

As regards the Baritolli-Tangail route, viâ the Lohajang river, a report regarding the feasibility of improving this route is now under consideration.

The improvement of the conservancy of the Dhalleswari is likely to affect favourably the service between Serajganj and Charabari.

(*b*) (*i*) Yes.

(*ii*) Yes.

(*c*) Yes.

(*d*) Reference is invited to paragraph (*a*) above.

Removal of the Eden Intermediate College for girls at Dacca from its present site to Ramna.

*130. **Rai KESHAB CHANDRA BANARJI Bahadur:** Will the Hon'ble Minister in charge of the Education Department be pleased to state what decision has been arrived at regarding the question of removal of the Eden Intermediate College for girls at Dacca from its present site to Ramna?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): No decision has been reached yet.

Rai KESHAB CHANDRA BANARJI Bahadur: Will the Hon'ble Minister be pleased to state when a decision is expected to be arrived at with regard to this matter.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: We cannot say when.

Absence of an overbridge on the Chandrakanta Ghosh's Road at Mymensingh.

*131. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state what is the total length of the railway line passing through the municipal town proper of Mymensingh?

(*b*) How many public roads are crossed by the said portion of the railway line on the sidings attached to the same?

(*c*) How many overbridges have been provided by the railway at the crossings of these public roads?

(*d*) Is it a fact that the absence of one overbridge on the Chandrakanta Ghosh's Road—a main thoroughfare of the town and the absence of one such bridge on the road to the east of the railway station which leads to the medical school on the south of the line, have been causing endless trouble, loss of time and risks to the citizens?

(e) Is it a fact that owing to constant shunting operation in these parts carriages, cars and passers-by are held up frequently for long periods on the Chandrakanta Ghosh's Road, the gates remaining closed?

(f) If the answers to (d) and (e) are in the affirmative, will the Hon'ble Member be pleased to state what action the Government intends to take in the matter, if any?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (a) About 3½ miles.

(b) Ten.

(c) There are no overbridges for vehicular traffic, but an overbridge has been provided for foot passengers at the Sheora road crossing.

(d) The absence of an overbridge causes inconvenience at the places, referred to, when shunting is going on.

(e) Vide answer to (d).

(f) The petitioners for an overbridge were requested by the railway administration to ascertain whether the Municipality were prepared to bear a portion of the cost. The reply of the Municipality is still awaited.

Extension of the broad gauge railway line from Parbatipur to Katihar.

***132. Maharaja JACADISH NATH ROY of Dinajpur:** (a) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Government propose to extend the existing broad gauge railway line from Parbatipur to Katihar?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state when the proposed scheme will be taken up?

The Hon'ble Mr. A. MARR: (a) No.

(b) Does not arise.

Mymensingh-Bhairab Bazar Railway line.

***133. Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Is the Hon'ble Member in charge of Public Works (Railways) Department aware—

(i) that in the Mymensingh-Bhairab Bazar Railway line, of the four trains which leave Mymensingh two leave practically at night and of the four trains which arrive from Bhairab Bazar two reach Mymensingh after night fall;

(*ii*) that the absence of a raised platform on the Assam Bengal Railway side of the Mymensingh station yard has been causing great inconvenience to passengers and especially to female passengers, who have to entrain and detrain at night;

(*iii*) that the inconvenience and suffering is still further aggravated owing to the absence of proper lights in the station yard;

(*iv*) that in the rainy season the hardship caused by absence of raised platform and proper lights is heightened by the inundation of the station yard caused frequently by the heavy rainfall at Mymensingh; and

(*v*) that the citizens of Mymensingh including the Maharaja Bahadur of Mymensingh have often memorialised the Eastern Bengal Railway authorities on the above grievances without success?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, the Government intends to take in the matter?

The Hon'ble Mr. A. MARR: (*a*) (*i*) The time table of the railway shows that of the four up and four down daily trains from and to Bhairab Bazar only one arrives at and leaves Mymensingh at night.

(*ii*) The railway authorities are unable to undertake the work of providing a raised platform at Mymensingh for want of funds. The work will be taken up when funds permit.

(*iii*) The question of lighting the station (including the yard) by electricity is under consideration by the railway authorities.

(*iv*) *Vide* answer to (*ii*).

(*v*) The proposals for improving the amenities at Mymensingh station, which have been suggested by the public from time to time, have been carefully recorded by the railway authorities. These will be considered by them in conjunction with similar schemes for improvements at other stations, and can only be undertaken in the order of their relative urgency, and as funds permit.

(*b*) In view of the above replies the question does not arise.

Retention of a Subordinate Judge at Rajshahi for civil cases.

***134. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the civil files of both the District and Sessions Judge as well as the Subordinate Judge of Rajshahi are very heavy and practically very little civil works have been done by them during the last three years or thereabout, and if so, what are the special reasons for such a state of things?

(*b*) What remedial measures have been taken or will be taken by Government for the early disposal of the pending cases there?

(*c*) Will the Hon'ble Member be pleased to say whether he is considering the necessity of the permanent retention of a Subordinate Judge at Rajshahi for civil cases only, and the temporary appointment of an Additional Sessions and District Judge at Rajshahi for assisting the Judge in disposing of civil and criminal cases both for Rajshahi and Malda?

(*d*) Is it a fact that there has been much increase of Sessions cases both at Malda and Rajshahi and that it is impossible now for the District and Sessions Judge of Rajshahi alone to cope with the criminal works and take up the Sub-Judge appeals, land acquisition cases and contested miscellaneous cases which are now long pending before him?

(*e*) Is it a fact that the pending Sessions cases at Rajshahi and Malda, to be tried by the District and Sessions Judge only, have been estimated to take not less than six months if done continuously?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) The civil files of the District Judge and Subordinate Judge at Rajshahi are congested and the congestion appears to be due partly to a decrease in disposals as regards original suits and partly to an increase in institutions as regards miscellaneous judicial cases. The decrease in disposals seems chiefly due to the fact that more time has been devoted to criminal work by the District Judge and Assistant Judges.

(*b*) and (*c*) An additional Subordinate Judge with powers of an Assistant Sessions Judge was sanctioned for Malda from 14th May, 1928. Recently an Additional District and Sessions Judge for Rajshahi and Malda has been sanctioned.

(*d*) There has not been any increase in Sessions cases, but there has been an increase in criminal appeals and motions. The criminal work appears sufficient to occupy the major part of the District Judge's time.

(*e*) It was estimated by the District Judge that the trial of the pending 36 Sessions cases would require 6 months' exclusive work for disposal by the Sessions Judge. Many of these cases would, however, be tried by the Assistant Sessions Judge. Those exclusively triable by the Sessions or Additional Sessions Judge are estimated to require about 2½ months' time.

Unstarred questions

(answers to which were laid on the table).

Improvement of rivers and waterways in the Dacca district.

113. Rai KESHAB CHANDRA BANARJI Bahadur: Will the Hon'ble Member in charge of the Irrigation Department be pleased to lay on the table a statement showing for the last three years the amount spent on the improvement of rivers and other waterways in the district of Dacca?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 113.

Amount spent during the years 1926-27, 1927-28 and 1928-29 on the improvement of rivers in the district of Dacca:—

		Rs.
1926-27	...	1,28,313
1927-28	...	37,791
1928-29	...	36,166

Use of electric fans by the gazetted and clerical staff in Government offices.

114. Dr. Sir NILRATAN SARCAR: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether it is a fact that in most Government offices gazetted officers enjoy the privilege of using the electric fans without any restriction regarding date or season?

(*b*) Is it a fact that the clerical staff are debarred from using them before the 15th of March even if the weather be very hot?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) No.

(*b*) No.

Accumulation of pending cases in the courts of Subordinate Judges and District and Sessions Judges.

115. Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district, the state of administration of Civil Justice where accumulation of pending cases is very heavy specifying the following details:—

(*i*) the number of pending cases under different heads for different years in the courts of Subordinate Judges and the District and Sessions Judges;

(*ii*) the number of Judicial officers now engaged;

(*iii*) what additional hands have been asked by the district courts;

(*iv*) what recommendation has been made by the High Court thereon; and

(*v*) what arrangements have been made or are proposed to be made by Government for early disposal of pending cases?

The Hon'ble Mr. A. N. MOBERLY: Statements which have been laid on the Library table give the information as far as it is available. Further research would involve much labour and considerable delay. The High Court and Government are fully alive to the importance of speedy disposal of cases and temporary additional officers are appointed when necessary to assist in clearing off the areas. It will be observed that there has been a marked improvement since 1927 in the number of appeals pending more than a year.

Construction of a permanent canal to drain out the storm-water of certain villages in the Sadar subdivision of the 24-Parganas district.

116. Maulvi MUHAMMAD SAADATULLAH: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that Kashba, Bosepukur, Haltoo, Bediadanga and other adjoining villages in the Sadar subdivision of the 24-Parganas district get inundated with water during the rainy season (causing destruction to houses and endangering human lives)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, Government have taken or intend to take to relieve the suffering of the inhabitants of these areas?

(*c*) Does the Government contemplate the formation of a central drainage board for the construction of a permanent canal to drain out the storm-water for these areas?

(*d*) If so, will the Hon'ble Member be pleased to state what steps have been taken for the formation of such a board?

(*e*) Did the District Magistrate of 24-Parganas or the Divisional Commissioner visit the affected areas?

(*f*) If so, what steps have either of them suggested or taken to ameliorate the grievances of the people?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) The congested drainage in this area is due to the silting up of the Bidyadhari. Any scheme for the improvement of the drainage of the locality will depend upon the action resolved upon in the case of the Bidyadhari.

(*c*) and (*d*) This proposal has been made but Government are not yet satisfied that it offers a final solution of the problem.

(*e*) Government have no information.

(*f*) Does not arise.

Close of the Kurigram civil courts for celebration of the Id-uz-Zoha festival held on the 21st May, 1929.

117. Kazi EMDADUL HOQUE: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the last Id-uz-Zoha festival was celebrated on the 21st May, 1929, and not on the 20th May which was a gazetted holiday, the moon not being visible on the 19th May, 1929?

(*b*) Is the Hon'ble Member aware that the munsifs of Kurigram civil courts indiscriminately disposed of and wanted to dispose of the cases against the Muhammadan litigants who could not attend the court on 21st May, 1929, on account of the celebration of the Id-uz-Zoha festival on that day?

(*c*) Is the Hon'ble Member aware that the munsifs of Kurigram civil courts did not agree to put off the hearing on that date at the verbal prayer of the party's pleaders?

(*d*) Will the Hon'ble Member be pleased to state what action, if any, the Government propose to take so as to stop the recurrence of the same?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Monday, the 20th May, 1929, was declared to be a holiday in the civil courts on account of the Id-uz-Zoha festival. May 21st was not a general holiday but Muhammadan officials and employees were allowed an additional holiday on that day.

(*b*) and (*c*) No. No complaint was received by the High Court or by Government.

(*d*) In the absence of any complaint Government do not propose to take any action.

Appointment of depressed classes in the Education Department in electrical engineering posts.

118. Mr. SARAT CHANDRA BAL: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the years 1925 to 1929—

(*i*) how many members of the depressed classes in Bengal applied for educational service under the Government of Bengal after finishing their education in Technical Electrical Engineering in Europe and in India; and

(*ii*) how many of them have been provided with appointments?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) It is not possible to furnish the figures asked for, as no statistics showing the number of applicants of different castes and creeds are kept. Between 1925 and 1929 there has been only one appointment made in the Education Department in an electrical engineering post and so far as can be ascertained no member of the depressed classes applied for the post.

(*ii*) None.

LEGISLATIVE BUSINESS.

Government Bill.

The Bengal Criminal Law Amendment (Part Continuance) Bill, 1929.

The Hon'ble Mr. A. N. MOBERLY: I beg to move for leave to introduce a Bill to amend the Bengal Criminal Law Amendment Act, 1925, for certain purposes.

Sir, I do not think that I need say anything on this subject beyond referring to the Statement of Objects and Reasons and the speech of His Excellency the Governor when he addressed this Council a few days back. These two statements contain the reasons why Government have felt it necessary to introduce this Bill.

Mr. S. M. BOSE: Sir, I beg to oppose the motion that leave be granted to the Hon'ble Mr. Moberly to introduce the Bill. Having regard to the importance of the subject, I venture to ask you in the exercise of your discretion to allow three speakers to speak on this matter.

Mr. PRESIDENT: Ordinarily, in a case like this, the member who opposes is allowed to speak; but, if you can adduce any good reason as to why I should allow three members to speak on this occasion, I might take that into consideration.

Mr. S. M. BOSE: Sir, there are four important sections of this House led by Mr. J. N. Basu, Mr. B. C. Chatterjee and one or two others of my friends. So I would ask you, Sir, to allow them to speak.

Mr. PRESIDENT: Very well, I have no objection if only the leaders of those groups speak on behalf of their parties.

Mr. S. M. BOSE: Sir, I move the rejection of the motion on the short ground that Government have not placed the provisions of the Bengal Criminal Law Amendment Act, 1925, for examination by the House. We all know that these provisions have not been subjected to the scrutiny of the members. Now that the Act of 1925 is about to expire, Government propose to re-enact some of the sections without allowing us to have any voice in the matter. By this device, if I may say so, we are gagged. It cannot be denied that such an important Act, affecting the liberty of the subject, should be the subject of anxious and careful examination by the representatives of the people. But the Government have so cleverly drafted the Bill that we are, under the Rules, which you, Sir, are bound to enforce, precluded from doing our duty in the matter; we cannot examine, repeal, or amend any of the provisions of sections 2 to 10 of the Act of 1925 now being re-enacted. The result has been that many of the amendments sent by us had to be disallowed, as these did not relate to any of the three clauses of the Bill. Thus in effect, in the guise of a mere amending Bill, a new Act is being sought to be passed but the House is powerless to have their say in the matter. This, Sir, I maintain is a serious encroachment on our rights and privileges.

Sir, it cannot be said that the provisions of sections 2 to 10 are so perfect that they need no examination. I maintain that experience has shown that these sections have operated harshly and unjustly, and they call for modification and amendment in the following respects at least: (1) Constitution of the tribunal—Why have the Government not adopted that provided in Act XIV of 1908? A Bench of three High Court Judges? One has a suspicion

that the result of trials held under this Act of 1908 was not to the liking of the authorities, so they repealed it in 1922. If speedy trial is necessary, why not re-enact that law? If such a Bench cannot be conveniently formed, why not have at least one High Court Judge, and two others who are qualified to be appointed as such Judges. (2) Conflict of procedure provided in the different sections, viz., 5, 7 and 10, clauses (*i*) and (*iii*). The Act of 1925 has been badly drafted, and there is no harmony between these sections but I need not here elaborate this point.

For these reasons, Sir, I say that the Government have not treated us fairly; so our only course left to us is to refuse leave. Sir, it is a matter of regret that the matter has been placed before us in this way. We are all grateful to His Excellency for paying deference to public opinion, and dropping detention without trial. I only wished that Government had placed the Act fairly and squarely before us.

(At this stage Mr. Narendra Kumar Basu rose to speak.)

Mr. PRESIDENT: Are you the leader of any particular group?

(Mr. Narendra Kumar Basu thereupon resumed his seat.)

Mr. S. M. BOSE: Sir, he may be allowed to speak as he wishes to speak on our behalf.

Mr. PRESIDENT: I think you made it quite clear that only three party leaders of three different groups will speak.

Mr. A. K. FAZL-UL HUQ: May I rise on a point of information?

Mr. PRESIDENT: What is it?

Mr. A. K. FAZL-UL HUQ: Sir, I have got to say something entirely personal and it has got nothing to do with my party.

Mr. PRESIDENT: I have already said that ordinarily, the President would allow two speeches in a case like this, one from the member who has raised objection and another from the Member in charge of the Bill. But the President can use his discretion and allow more speeches if he thinks fit. For our present purpose, I have agreed to hear what the different groups in the House have got to say on this matter through their leaders.

(Mr. A. K. Fazl-ul Huq thereupon resumed his seat.)

Mr. S. M. BOSE: May I ask that Mr. Fazl-ul Huq be allowed to speak as he represents our views also.

(At this stage Maulvi Shamsuddin Ahmed rose to speak.)

Mr. PRESIDENT: Order, order. I might point out that members will have, when the right moment comes, every facility to discuss the principle and different clauses of the Bill. It is not practicable to have a general discussion of the Bill at this stage.

Maulvi SYED MAJID BAKSH: When shall we be allowed to speak, Sir?

Mr. PRESIDENT: When we come to the motion that the Bill be taken into consideration.

Mr. B. C. CHATTERJEE: Sir, may I speak on behalf of my party?

Mr. PRESIDENT: Yes, certainly, as a party-leader.

Mr. B. C. CHATTERJEE: Sir, the real difficulty which confronts us, the elected members, with regard to the proposal made by the Hon'ble Member is this: With regard to the Transferred side, we the members of this House do control, or ought to control, policy; whereas with regard to the Reserved side we are excluded from the function of controlling policy; and because we cannot control the policy of the Reserved side, it is very difficult for us to stand up and say: "Although we cannot control your policy, we will support a particular measure which you think necessary in the interests of law and order, although that measure happens to take away from my average countryman a very important right, namely, the right of trial by jury." Therefore, my submission is this: that with regard to these matters—matters which concern the maintenance of law and order, the responsibility for any such measure must rest on the Reserved side, i.e., on those who control and manage the Reserved side; and we, the elected members, who do not share in its policy, shall not share in the responsibility for the passage of any measures which we consider to be repressive, in the interests of the departments of law and order.

The Hon'ble Mr. A. N. MOBERLY: I may say that I do not agree with the last speaker who said that this Council has no responsibility in matters of legislation. It is the Bengal Legislative Council and it has statutory power to legislate on all matters, whether Reserved or Transferred.

As regards the point urged by the previous speaker, this Act is at present on the Statute Book, and it is not for me to enquire how it got there. It could not possibly have got there without this Council having been given an opportunity, at some stage or other, of coming to a decision. If the Council chose to disallow introduction and stifle all discussion that was certainly not the fault of Government.

Mr. B. C. CHATTERJEE: May I rise on a point of personal explanation, Sir? What I said was "We do not control the policy."

The Hon'ble Mr. A. N. MOBERLY: On a point of personal explanation, Sir. The gentleman said "responsibility." That is the word he used.

Mr. B. C. CHATTERJEE: Sir, "policy" is the word I used.

The motion that leave be given to introduce a Bill to amend the Bengal Criminal Law Amendment Act, 1925, for certain purposes was then put and a division taken with the following result:—

AYES.

Ali, Mr. Altaf.
Banarji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basiruddin, Maulvi Mohammed.
Cassells, Mr. A.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Essertji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Sahib Sunil Kumar.
Ghosh, Mr. M. C.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Jacob, Mr. J.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Prevash Chunder.
Moberly, the Hon'ble Mr. A. N.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Pinnell, Mr. L. G.
Prentice, Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. G. F.
Roy, Mr. Sarat Kumar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.
Wordsworth, Mr. W. C.

NOES.

Ahmed, Maulvi Shamsuddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Maulvi Ashrafuddin.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Huq, Mr. A. K. Fazl-ul.
Lal Muhammed, Haji.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prosad.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad Singh.
Ray Mr. Saileswar Singh.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sircar, Dr. Sir Hiiratan.
Shah, Maulvi Abdul Hamid.

The Ayes being 66 and the Noes. 41, the motion was carried.

The Secretary then read the short title of the Bill.

3-30 p.m.

Babu JITENDRALAL BANNERJEE: May I have your permission, Sir, to make a statement on behalf of the Proja party? And I am authorised by the leader of the People's party also to say that he associates himself with me in the statement that I have to make.

Mr. PRESIDENT: Yes, but it must be very brief.

Babu JITENDRALAL BANNERJEE: I am always very brief (laughter).

So far as this Bill is concerned, we are at variance with the Government upon a question of principle and not simply upon a question of details. We think that the introduction of this Bill at the present stage is without any justification. It is an abuse of the powers of administration; it is an abuse of the powers that are vested in the bureaucracy under the present system of Government. We cannot, therefore, consistently with our self-respect, consistently with our duty to our constituencies, consistently with our dignity as members of the Legislative Council, be a further party to the discussion of the details of the Bill, and with your permission, Sir, we take leave to retire in a body.

(Certain members on the left of the Chair then walked out.)

The Hon'ble Mr. A. N. MOBERLY: I beg to move that the Bengal Criminal Law Amendment (Part Continuance) Bill, 1930, be taken into consideration.

The Bill, as I have already mentioned, is a very short and simple one, and I do not think I need say anything more or make a long speech on this occasion.

The following motions were called but not moved:—

Mr. SATISH CHANDRA RAY CHOWDHURI and Mr. P. BANERJI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 22nd April, 1930.

Mr. P. BANERJI to move, by way of amendment, that the Bill be referred to a Select Committee consisting of the following members, namely:—

The Hon'ble Mr. A. N. Moberly, C.I.E.;

Mr. W. D. R. Prentice, C.I.E.;

Mr. B. C. Chatterjee;

Babu Jitendra Nath Basu;

Mr. A. K. Fazl-ul Huq;

Mr. Jitendralal Bannerjee;

Dr. Naresh Chandra Sen Gupta;

Mr. Narendra Kumar Basu;

Mr. Satish Chandra Ray Chowdhuri;

Maulvi Syed Jalaluddin Hashemy;

Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

Maulvi Hassan Ali; and

mover

and the number of members to form a quorum shall be five.

Dr. NARESH CHANDRA SEN GUPTA to move, by way of amendmeht, that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. A. N. Moberly, C.I.E., Mr. M. C. Ghosh, Mr. A. K. Fazl-ul Huq, Mr. Narendra Kumar Basu and the mover.

Maulvi SYED JALALUDDIN HASHEMY to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

The Hon'ble Mr. A. N. Moberly, C.I.E.;
Babu Jitendralal Bannerjee;
Mr. Narendra Kumar Basu;
Dr. Naresh Chandra Sen Gupta;
Maulvi Shamsuddin Ahmed;
Maulvi Syed Jalaluddin Hashemy;
Babu Jitendra Nath Basu;
Mr. B. C. Chatterjee; and
Mr. A. K. Fazl-ul Huq.

Mr. PRESIDENT: None of these amendments has been moved, and I may point out to the Rai Bahadur, who tried to catch my eye prematurely, that the motion of the Hon'ble Mr. Moberly is now open to discussion.

Rai KESHAB CHANDRA BANARJI Bahadur: Sir, I rise with trepidation, but with a full sense of responsibility. The introduction of this Bill on the closing day of the session has taken place with dramatic suddenness and it has not been practicable for us to consult our respective constituencies. Sir, without entering into a detailed examination of the provisions of the Bill, I desire at the outset to make a few observations. We are representatives of the people and I wish to draw the attention of Government to the feeling in which this measure is likely to be received. Though the Bill now stands purged of its objectionable features regarding detention without trial, still it will be viewed with suspicion by the people. The repeal of the whole Bill would have been appreciated by them and in the popular opinion that would have showed a change of heart—a change which would have been in consonance with the spirit of His Excellency the Viceroy's declaration of October, 1929. Sir, the change, to be effective, must always be thorough and complete, for, there is no half-way house between what is known, in political parlance, as "repression" and "conciliation."

The Bill which the Hon'ble Member has brought forward raises issues of great moment to the State and the people. We, the representatives of the people, are thus faced with a dilemma. We are not in possession of those facts which have precipitated the introduction of the Bill even in its present form. We appreciate the need for the maintenance of law and order but our fear is against its abuse. Sir, we have sense enough to realise the difficulties of the State when

violence and terrorist activities reign supreme. It is at such a time that emergency powers are necessary to put a stop to disorder and chaos. Thus the position is that emergency legislation presupposes emergency situation. The principle of emergency legislation is a direct negation of the principles of democracy; it is justified only as a weapon to meet an abnormal situation. The preamble of the Bill says that it is to supplement the ordinary criminal laws of Bengal. Sir, before taking recourse to such emergency powers Government must satisfy themselves that the ordinary laws of the land are not adequate enough to meet the situation, that they are convinced that an abnormal situation has arisen and that such emergency powers will be exercised only in exceptional circumstances. If sufficient reasons could be brought forward to show an abnormal situation in the country, my clear duty would be to support the Bill as one who is a lover of peace, order and constitution and is opposed to any movement which is calculated to bring in its train political disruption and violence which even Mr. Gandhi decries. But, Sir, the popular impression is that there is no immediate danger of public peace and tranquillity being seriously disturbed. Sporadic attempts must not be taken as universal, and moreover, the criminal law of the land is potent enough to cope with any situation that may arise in the near future.

I appeal to Government to consider seriously whether or not the passing of the Bill will intensify public feeling. It is experience, Sir, that power unless exercised with caution, imagination and sympathy, "pollutes whatever it touches like a desolating pestilence."

It would be prudent on the part of Government to wait and watch developments. By doing so, it would be possible to rally at least the rational and sober section of the public and in this period of the country—a period fraught with immense possibilities for the future—a real change of heart is essential for the ordered administration of the country.

Sir, should any extraordinary situation arise in the country, this Bill may be considered even in a special session and we can then only appreciate its need, otherwise the haste with which the Bill has been brought forward is looked upon by the public with suspicion. In conclusion I appeal to Government again not to urge for its consideration but to trust my countrymen for some time to come and their representatives who in case of extraordinary situation should help Government in the maintenance of law and order which we hold so dear as peace-loving and responsible citizens.

I must frankly admit, Sir, that the present Bill, purged of its objectionable features, is not so offensive as the old one was. If the authorities, responsible for the administration of the country are in possession of facts which necessitate the prolongation of the Bill in

its present form, that is a position which of course merits close attention. It is not my intention to obstruct the passage of the Bill in that eventuality and should Government think that the proposed legislation is essential for the maintenance of law and order it will be my duty to support it in the wider interest of public peace and tranquillity.

The Hon'ble Mr. A. N. MOBERLY: I have listened with interest to the very reasonable speech of my friend Rai Keshab Chandra Banarji Bahadur. I can assure him that Government would never have dreamt of introducing this measure, if they had not considered it absolutely essential in the interest of law and order in Bengal. This Bill is not aimed at the ordinary law-abiding citizen. It is not even aimed at the ordinary criminal. It is aimed at the secret terrorist conspiracy, and our information is that that secret terrorist conspiracy is still alive.

The Rai Bahadur has suggested that we should trust his countrymen. We do trust his countrymen, but we cannot trust the people who work in secret for the overthrow of this Government by force, who desire to obtain funds for their campaign by dacoity and to attain their object by secret assassination, and I am sure that no member of this House can for a moment countenance the policy of these terrorists. I do not think I need say any more. There has been no speech really against the Bill. All that I have been asked to do is to assure the House, which I do once again, that Government fully appreciate the gravity of asking for legislation of this kind, and it is only after most anxious consideration that they have come to ask this Council to arm them with the necessary powers.

The motion that the Bengal Criminal Law Amendment (Part Continuance) Bill, 1930, be taken in consideration was then put and agreed to.

3-45 p.m.

Clause 2.

MUNINDRA DEB RAI MAHASAI: I move that in clause 2, line 4, for the word "ten" the word "seven" be substituted. Some of my friends have expressed their surprise in finding my name as a mover of an amendment to shorten the lease of life of Bengal Criminal Law Amendment Act popularly known as the Black Act. I am sorry my friends have misunderstood me.

Sir, I had to administer the law for over quarter of a century and I, therefore, happen to know a bit about law and order as administered in the mufassal. Although I do not approve of all the methods adopted

by the Police for the preservation of law and order yet I am one of its staunchest advocates. Law and order are essential for the ordered progress of society. I condemn lawlessness with all the emphasis that I can command. I am a confirmed hater of terrorist methods.

Sir, I am told that the terrorists have been "scotched" but not "killed" and a fresh lease of life for a further period of five years is necessary for the internal peace of the country. Terrorism is of exotic origin not suited to Indian soil. All forms of violence was looked down upon with horror and abhorrence by the Hindus whose highest conception of religion was Ahimsa. Their very religion, culture and tradition were opposed to the cult of violence. Then why should we oppose the extension of an Act meant to prevent violence by terrorists? Sir, summary methods of trials by special tribunals popularly called the Star Chamber methods of administering law were not favoured either by the public or the press and they had cogent reasons for holding that view. It would be unpalatable to disclose them.

Sir, it is said by some of my friends that the extension of the longevity of the Act has become necessary for the proper handling of the situation created by the Civil Disobedience movement launched by Mahatma Gandhi. This movement was, I think, an open challenge to Government but I do not believe in the existence of any secret terrorist organisation behind it. Sir I must thank the Government for the deletion of some of the objectionable sections of the Act. But to give the Act a fresh lease of life for another five years is open to serious objection. The exigencies of the hour do not justify it. The ordinary criminal law of the land is, I think, sufficient to cope with the evil as it exists at present. With these few remarks, I beg leave to move the following amendment: That in clause 2, line 4, for the word "ten," the word "seven" be substituted.

Sir, in case any emergency arises requiring stringent measures, I can assure the Government that this House will rise equal to the occasion in strengthening the hands of Government in combating the evil.

The Hon'ble Mr. A. N. MOBERLY: Shall I make one speech on all the amendments or shall I take them one by one?

Mr. PRESIDENT: I propose to put the amendments one by one but I have no objection to your making one speech on them.

The Hon'ble Mr. A. N. MOBERLY: I had better deal with them one at a time.

Sir, I am much obliged to my friend, Munindra Deb Rai Mahasai, for his assurance that should such an emergency arise that Government

will require wider powers, this House will be willing to grant them. I hope that should such an emergency unfortunately arise—and I pray most earnestly that it never may arise—I hope that if it does arise Mr. Munindra Deb Rai Mahasai will remember his promise and give Government the powers for which they then ask. He has suggested that this legislation is aimed at what is called the Civil Disobedience movement—I have not heard that suggestion before; and I cannot conceive how he could possibly have made it now unless he completely and utterly misunderstands the object of this legislation and the object of the terrorist movement. The Civil Disobedience movement is an open movement and we have no objection whatever to any open movement. If in furtherance of such a movement people transgress the law they can be dealt with by ordinary methods should it be deemed advisable to do so. But for the time being for the Civil Disobedience movement we no more require special legislation in 1930 than we did in 1921-1922 when the movement was very much more serious than it is now. I do not think that I need say anything more on the general question.

As regards the particular amendment of Mr. Munindra Deb Rai Mahasai—his proposal to substitute the word "seven" for the word "ten"—he has given no indication as to why he wants this substitution, and I can only say that Government are not prepared to accept it because ten years from 1925—that is to say another five years—is the period which they consider necessary at present. I beg to oppose this amendment.

The motion of Mr. Munindra Deb Rai Mahasai was put and lost.

The following motions were called but not moved:—

Mr. NARENDRA KUMAR BASU to move that in clause 2, line 4, for the word "ten" the word "six" be substituted.

Mr. S. M. BOSE and Maulvi SYED MAJID BAKSH to move that in clause 2, line 3, the words "for the word 'five' the word 'ten' shall be substituted" shall be altered to "for the words 'five years' the words 'five years and six months' shall be substituted."

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was agreed to.

Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was agreed to.

The Hon'ble Mr. A. N. MOBERLY moved that the Bengal Criminal Law Amendment (Part Continuance) Bill, 1930, as settled in Council, be passed.

The motion was put and agreed to.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to declare that the Bengal Legislative Council stands prorogued.

B. G. Press—1930-31—211A—1,200.

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